

REVIEW OF SEARCH WARRANT POWERS

TERMS OF REFERENCE

The Commission shall review the scope and adequacy of current powers to search persons and places and associated powers to seize in order to determine an appropriate balance between law enforcement agencies and the protection of individual rights. The review will include:

- the circumstances in which such searches pursuant to a warrant maybe undertaken;
- the circumstances in which such searches without a warrant may be undertaken;
- the adequacy of current powers in the light of modern technologies;
- the threshold for the granting of search warrants (and specifically the circumstances, if any, in which they should be extended to non-imprisonable offences);
- the extent, if at all, to which people should be compelled to assist in the execution of a search warrant;
- the power to seize material revealed in such searches;
- consistency of current search warrant powers, and any recommended new or revised powers, with the Bill of Rights Act 1990; and
- whether present rules adequately protect civil liberties.

The review shall cover the powers of all law enforcement agencies.