

House of Representatives
Supplementary Order Paper

Tuesday, 20 August 2013

Government Communications Security Bureau
and Related Legislation Amendment Bill

Proposed amendment

David Shearer, in Committee, to move the following amendment:

Clause 14

After *clause 14*, new *section 15B(2)* (after line 4 on page 15), insert:

“(2A) For the avoidance of doubt, no warrant may be issued for the purpose of **section 8A** that allows access to the content of the communications, including emails, of a person who is a New Zealand citizen or a permanent resident of New Zealand, except in the circumstances outlined in, and in accordance with, **subsection (2B)**.

“(2B) If a cyber-intrusion is detected against a person who is a New Zealand citizen or a permanent resident of New Zealand, a new warrant must be sought to access the content of that communication and the consent of that New Zealander must be obtained for such a warrant to be issued.

Explanatory note

This Supplementary Order Paper would prevent access to the content of New Zealanders’ emails under *new section 8A* of the Bill, unless absolutely necessary. Neither the Government Communications Security Bureau Act 2003 nor the amendments in this Bill offer such protection. This Supplementary Order Paper would legislate to make clear Parliament’s intent and New Zealanders’ expectation that the content of emails by a person who is a New Zealand citizen

or a permanent resident of New Zealand cannot be accessed without their permission.
