

Depleted Uranium (Prohibition) Bill

Member's Bill

Explanatory note

General policy statement

This Bill seeks to ban the possession, use, sale, manufacture, testing, and transit of uranium in all conventional munitions and armour within New Zealand and by agents of the New Zealand Government. Depleted uranium is a by-product of uranium processed for use in nuclear reactors and nuclear weapons. It is an extremely heavy and hard metal and is used as an armour-piercing munition. It ignites on impact, burning at a very high temperature, and disperses a radioactive fine dust which can pass through gas masks and into the body. Depleted uranium has been used in recent military conflicts including the First Gulf War, Afghanistan, Iraq, and Lebanon. There is growing international concern about the unacceptable harm to military and civilian personnel exposed to its radiation and toxicity, and concern that depleted uranium may become the “Agent Orange” of the twenty-first century. This Bill applies the precautionary principle, seeking to ban the use of depleted uranium until there is definitive research that proves those exposed to it on the battlefield are not adversely affected by its radiation and toxicity.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

Clause 3 sets out the purpose of the Bill.

Clause 4 is the interpretation clause.

Clause 5 makes the Bill binding on the Crown.

Clause 6 provides for the extraterritorial application of the bill to New Zealand citizens or persons ordinarily resident in New Zealand who are agents of the New Zealand government, and to any person on board a New Zealand ship or aircraft.

Part 2

Offences

Clause 7 provides for the development, production, acquisition, stockpiling, direct or indirect transfer, use, or military preparations for use, of uranium ammunition, armour, or weapons to be a criminal offence under New Zealand law, with a penalty of up to 10 years imprisonment or a fine of \$500,000. It also provides for prosecutions to be carried out only with the consent of the Attorney-General.

Clause 8 provides for any uranium ammunition, armour, or weapon developed, produced, otherwise acquired, stockpiled, retained, or transferred in contravention of *section 7* to be forfeit to the Crown, able to be seized without warrant, and disposed of as the Minister sees fit.

Phil Twyford

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Depleted Uranium (Prohibition) Act **2010**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

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3 Purpose

The purpose of this Act is to ban the possession, use, sale, manufacture, testing, and transit of uranium in all conventional munitions and armour within New Zealand and by agents of the New Zealand government.

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4 Interpretation

In this Act, unless the context otherwise requires,—

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

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uranium ammunition means munitions containing depleted uranium which may, by reason of its high density and hardness, penetrate armour

uranium armour means armour which contains depleted uranium to make it harder and resistant to being shot through

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uranium weapon means a mechanism which serves to destroy or damage objects and uses depleted uranium in its mode of action.

5 Act binds the Crown

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This Act binds the Crown.

6 Extraterritorial application of Part 2

(1) The provisions of **Part 2** extend to acts done or omitted to be done outside New Zealand.

(2) Despite anything in any other enactment, proceedings in respect of any contravention of **Part 2** anywhere outside New Zealand must not, by virtue only of the provisions of this Act, be instituted in any Court except with the consent of the At-

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torney-General and on his or her certificate that it is expedient that the proceedings should be instituted.

- (3) Despite **subsection (2)**, a person may be arrested, or a warrant for a person's arrest may be issued and executed, and the person may be remanded in custody or on bail, but no further or other proceedings may be taken until the Attorney-General's consent has been obtained. 5

Compare: 1996 No 37 s 5

Part 2 Offences

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7 Uranium ammunition, armour, and weapons

- (1) Every person commits an offence, and is liable on conviction on indictment to imprisonment for up to 10 years or a fine not exceeding \$500,000, who intentionally or recklessly—
- (a) develops, produces, otherwise acquires, stockpiles, or retains uranium ammunition, armour, or weapons; or 15
 - (b) transfers, directly or indirectly, uranium ammunition, armour, or weapons to another person; or
 - (c) uses uranium ammunition, armour, or weapons; or
 - (d) engages in any military preparations to use uranium ammunition, armour, or weapons; or 20
 - (e) assists, encourages, or induces, in any way, any person to engage in any activity described in **paragraphs (a) to (d)**.
- (2) Nothing in **subsection (1)** applies in respect of any seizure of uranium ammunition, armour, or weapons by the Crown under the authority of this or any other Act. 25
- (3) Nothing in **subsection (1)(e)** limits the provisions of Part 4 of the Crimes Act 1961. 30

Compare: 1996 No 37 s 6

8 Forfeiture of uranium ammunition, armour, and weapons

If any uranium ammunition, armour, or weapon is developed, produced, otherwise acquired, stockpiled, retained, or transferred in contravention of **section 7**, the weapon—

- (a) is forfeit to the Crown; and 35

- (b) may be seized without warrant by any officer of the Crown; and
- (c) must be stored pending disposal, and disposed of, as the Minister thinks fit.

Compare: 1996 No 37 s 7

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