

# Depleted Uranium (Prohibition) Bill

Member's Bill

## Explanatory Note

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 depleted uranium in the battlefield are not adversely affected by its radiation and toxicity.

## Clause by clause analysis

*Clause 1* is the Title provision.

*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 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 \$500,000 fine. 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 2009.

#### **2. Commencement**

This Act comes into force on the day after the date on which it received the Royal Assent.

### **Part 1 Preliminary provisions**

#### **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.

#### **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

**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

**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**

This Act binds the Crown.

#### **6. Extraterritorial application of Part 2**

- (1) The provisions of Part 2 of this Act extend to acts done or omitted to be done outside New Zealand—
- (2) Notwithstanding anything in any other enactment, proceedings in respect of any contravention of Part 2 of this Act anywhere outside New Zealand shall not, by virtue only of the provisions of this Act, be instituted in any Court except with the consent of the Attorney-General and on his or her certificate that it is expedient that the proceedings should be instituted.
- (3) Notwithstanding subsection (2) of this section, 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 shall be taken until the Attorney-General's consent has been obtained.

Compare: 1996 No 37 s5

### **Part 2 Offences**

#### **7. Uranium ammunition, armour and weapons**

- (1) Every person commits an offence who intentionally or recklessly—
  - (a) Develops, produces, otherwise acquires, stockpiles, or retains uranium ammunition, armour or weapons; or
  - (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
- (e) Assists, encourages, or induces, in any way, any person to engage in (a) to (d) above

and is liable on conviction on indictment to imprisonment for up to 10 years or a fine not exceeding \$500,000.

- (2) Nothing in subsection (1) of this section applies in respect of any seizure of uranium ammunition, armour or weapons by the Crown under the authority of this or any other Act.
- (3) Nothing in subsection (1)(e) of this section limits the provisions of Part 4 of the Crimes Act 1961.

Compare: 1996 No 37 s6

## **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 of this Act, the weapon—

- (a) Is forfeit to the Crown; and
- (b) May be seized without warrant by any officer of the Crown; and
- (c) Shall be stored pending disposal, and disposed of, as the Minister thinks fit.

Compare: 1996 No 37 s7