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BILLS DIGEST

Digest No. 1972

Depleted Uranium (Prohibition) Bill 2010 (*Member's Bill*)

Date of Introduction:	9 September 2010
Member:	Phil Twyford
Select Committee:	As at 24 April, 1st Reading not held.
Published: 24 April 2012 by John McSoriley BA LL.B, Barrister, Legislative Analyst P: (04) 817-9626 (Ext. 9626)	Caution: This Digest was prepared to assist consideration of the Bill by members of Parliament. It has no official status. Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.

Purpose

The aim of this Bill 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” (*Part 1, Clause 3, the “purpose” clause*).

Background

“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”¹.

¹ Depleted Uranium (Prohibition) Bill, 2010 No 205-1, Explanatory note, General policy statement, p. 1.

Main Provisions

Binds the Crown

The Bill provides that it is binding on the Crown (*Clause 5*).

Extraterritorial application of Part 2 of the Bill (“Offences”)

The Bill provides for the extraterritorial application of the Bill. Proceedings in respect of any offence under the Bill anywhere outside New Zealand must not, by virtue only of the provisions of this Bill, 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”. However, in spite of this, 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 (*Part 1, Clause 6*).

Offences (Part 2 of the Bill)

The Bill provides that 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 (*Part 2, Clause 7*).

Forfeiture

The Bill provides that any uranium ammunition, armour, or weapon developed, produced, otherwise acquired, stockpiled, retained, or transferred in contravention of Clause 7 of the Bill (described above) to be forfeit to the Crown, able to be seized without warrant, and stored pending disposal and disposed of as the Minister sees fit (*Part 2, Clause 8*).

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