

NEW ZEALAND : NEW ZEALAND NUCLEAR FREE ZONE,  
DISARMAMENT AND ARMS CONTROL BILL 1985\*

A BILL entitled:

An Act to establish in New Zealand a Nuclear Free Zone, to promote and encourage an active and affective contribution by New Zealand to the essential process of disarmament and international arms control, and to implement in New Zealand the following treaties:

[Treaties Listed]

Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title -

This Act may be cited as the New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1985.

2. Interpretation -

In this Act, unless the context otherwise requires:

[The section defines the terms "biological weapon", "distress", "foreign military aircraft", "foreign warship", "internal waters of New Zealand", "nuclear explosive device", "passage", territorial sea of New Zealand".]

3. Act to bind the Crown -

This Act shall bind the Crown.

4. New Zealand Nuclear Free Zone -

There is hereby established the New Zealand Nuclear Free Zone, which shall comprise:

- (a) all the land, territory, and inland waters within the territorial limits of New Zealand
- (b) the internal waters of New Zealand and
- (c) the territorial sea of New Zealand: and
- (d) the airspace above the areas specified in paragraphs (a) to (c) of this section.

Prohibitions in Relation to Nuclear Explosive Devices and Biological Weapons.

5. Prohibition on acquisition of nuclear explosive devices -

- (1) No person, who is a New Zealand citizen or a person ordinarily resident in New Zealand, shall, within the New Zealand Nuclear Free Zone,
  - (a) manufacture, acquire, or possess, or have control over, any nuclear explosive device or

- (b) aid, assist, or abet any person to manufacture, acquire possess, or have control over any nuclear explosive device.

2. No person, who is a New Zealand citizen or a person ordinarily resident in New Zealand, and who is a servant or agent of the Crown, shall, beyond the New Zealand Nuclear Free Zone,

- (a) manufacture, acquire, or possess, or have control over, any nuclear explosive device; or
- (b) aid, assist, or abet any person to manufacture, acquire, possess, or have control over any nuclear explosive device.

6 Prohibition on stationing of nuclear explosive devices -

No person shall implant, emplace, transport on land or inland waters, stockpile, store, install, or deploy any nuclear explosive device in the New Zealand Nuclear Free Zone.

7. Prohibition on testing of nuclear explosive devices -

No person shall test any nuclear explosive device in the New Zealand Nuclear Free Zone.

8. Prohibition of biological weapons -

No person shall manufacture, station, acquire, or possess, or have control over any biological weapon in the New Zealand Nuclear Free Zone.

9 Entry into Internal Waters of New Zealand -

- (1) When the Prime Minister is considering whether to grant approval to the entry of foreign warships into the internal waters of New Zealand, the Prime Minister shall have regard to all relevant information and advice that may be available to the Prime Minister including information and advice concerning the strategic and security interests of New Zealand.
- (2) The Prime Minister may only grant approval for the entry into the internal waters of New Zealand by foreign warships if the Prime Minister is satisfied that the warships will not be carrying any nuclear explosive device upon their entry into the internal waters of New Zealand.

10. Landing in New Zealand -

- (1) When the Prime Minister is considering whether to grant approval to the landing in New Zealand of foreign military aircraft, the Prime Minister shall have regard to all relevant information and advice that may be available to the Prime Minister including information and advice concerning the strategic and security interests of New Zealand
- (2) The Prime Minister may only grant approval to the landing in New Zealand by any foreign military aircraft if the Prime Minister is satisfied that the foreign military aircraft will not be carrying

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- (2) any nuclear explosive device when it lands in New Zealand.
- (3) Any such approval may relate to a category or class of foreign military aircraft and may be given for such period as is specified in the approval.

11. Visits by nuclear powered ships -

Entry into the internal waters of New Zealand by any ship whose propulsion is wholly or partly dependent on nuclear power is prohibited.

Savings

12. Passage through territorial sea and straits -

Nothing in this Act shall apply to or be interpreted as limiting the freedom of:

- (a) any ship exercising the right of innocent passage (in accordance with international law) through the territorial sea of New Zealand or
- (b) any ship or aircraft exercising the right of transit passage (in accordance with international law) through or over any strait used for international navigation or
- (c) any ship or aircraft in distress.

13. Immunities -

Nothing in this Act shall be interpreted as limiting the immunities of:

- (a) any foreign warship or other government ship operated for non-commercial purposes of
- (b) any foreign military aircraft or
- (c) members of the crew of any ship or aircraft to which paragraph (b) of this section applies

14. Offences and penalties -

- (1) Every person commits an offence against this Act who contravenes or fails to comply with any provision of sections 5 to 8 of this Act.
- (2) Every person who commits an offence against this Act is liable to imprisonment for a term not exceeding 10 years.

15. Consent of Attorney-General to proceeding in relation to Offences -

- (1) No information shall be laid against any person for -
- (a) An offence against this Act or
  - (b) The offence of conspiring to commit an offence against his Act or
  - (c) the offence of attempting to commit an offence against this Act - except with the consent of the Attorney-General:

Provided that a person alleged to have committed any offence mentioned in this subsection may be arrested, or a warrant for any such person's arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the laying of any information for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

- (2) The Attorney-General may, before deciding whether or not to give consent under subsection (1) of this section, make such inquiries as the Attorney-General thinks fit.

Public Advisory Committee on Disarmament and Arms Control

16. Establishment of Public Advisory Committee on Disarmament and Arms Control -

There is hereby established a committee to be called the Public Advisory Committee on Disarmament and Arms Control

17. Function and Powers of Committee -

- (1) The Functions of the committee shall be:
- (a) to advise the Minister of Foreign Affairs on such aspect of disarmament and arms control matters as it thinks fit
  - (b) to advise the Prime Minister on the implementation of this Act
  - (c) To publish from time to time public reports in relation to disarmament and arms control matters and on the implementation of this Act.
- (2) The Committee shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.

18. Membership of Committee -

- (1) The Committee shall consist of seven member, of whom:
- (a) One shall be the Minister for Disarmament and Arms Control.

18. (b) One shall be the Secretary of Foreign Affairs or another officer of the Ministry of Foreign Affairs nominated from time to time by the Secretary of Foreign Affairs;  
and
- (c) One shall be the Secretary of Defence or another officer nominated from time to time by the Secretary of Defence;  
and
- (d) Four shall be appointed be the Minister of Foreign Affairs.

(2) Each member of the Committee appointed under subsection (1) (d) of this section holds office at the pleasure of the Minister of Foreign Affairs.

(3) The functions and powers of the Committee shall not be affected by any vacancy in its membership.

19. Procedure of the Committee -

Subject to any directives given by the Minister of Foreign Affairs, the Committee may regulate its procedure in such manner as it thinks fit.

20. Remuneration and travelling expenses -

The Committee so hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of this committee, out of money appropriated by Parliament for the purpose, remuneration by way of fees or allowances, expenses, in accordance with the Fees and Travelling Allowance Act 1951, and the provision of that Act shall apply accordingly.

21. Money to be appropriated by Parliament for purposes of this Act -

All fees, salaries, allowances, and other expenditure payable or incurred under or in the administration of this Act shall be payable out of money to be appropriated by Parliament for the purpose.

Amendments to other Acts

Section 22 amends the Marine Pollution Act 1974, making it an offence to dump radioactive waste from ships, aircraft or platforms and prescribes penalties for same.