

INTRODUCTION COPY

NUCLEAR FREE NEW ZEALAND BILL

EXPLANATORY NOTE

The nuclear arms race is accelerating and is out of control.

The superpowers' negotiations for nuclear arms limitation have broken down.

It is therefore necessary for the non-nuclear states to take their own initiatives and give legislative effect to a nuclear free zone.

This Bill bans nuclear weapons from entering New Zealand. The Bill is designed to give legal effect in New Zealand to the United Nations General Assembly resolution to create a nuclear-weapon-free zone in the South Pacific. While the United Nations resolution was promoted by the third Labour Government it was the present National Government that voted for the resolution in the UN.

The Bill further provides that nuclear power stations, nuclear powered vessels and the dumping of nuclear waste is prohibited in New Zealand.

Nuclear equipment needed for approved scientific research and for medical use will remain lawful.

Clause 2 is a definition section.

Clause 3 binds the Crown.

Clause 4 is the operative section that prohibits the entry of nuclear powered ships and the entry of ships and aircraft carrying nuclear weapons into New Zealand.

Clause 5 is the operative section that prohibits the dumping of nuclear waste in New Zealand.

Clause 6 provides that nuclear devices and waste can be permitted in New Zealand for approved medical and research purposes.

Mr Prebble

NUCLEAR FREE NEW ZEALAND

ANALYSIS

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A BILL INTITULED

An Act to make New Zealand nuclear free

WHEREAS New Zealand was a sponsor of, and is a signatory to, Resolution 3477 (XXX) of the United Nations General Assembly (set out in the Schedule to this Act) which was carried by 94 votes to nil on 11 December 1975:

AND WHEREAS the objective of the said Resolution was the establishment of a nuclear-weapon-free zone in the South Pacific:

10 AND WHEREAS it is desirable to give legislative effect in New Zealand to the National Government's policy of endorsing the establishment of a nuclear-weapon-free zone in the South Pacific and to therefore prohibit nuclear weapons from entering either New Zealand or the territorial sea of New Zealand:

15 AND WHEREAS it is desirable to prohibit nuclear power stations, nuclear vessels and the dumping of nuclear waste in New Zealand:

BE IT THEREFORE 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 Nuclear Free New Zealand Act 1984.

2. **Interpretation**—In this Act, unless the context otherwise requires—

“New Zealand” includes the territorial sea of New Zealand, 5
as defined in section 3 of the Territorial Sea and
Exclusive Economic Zone Act 1977:

“Nuclear device” means any nuclear power plant, nuclear
powered vessel, or nuclear reactor:

“Nuclear fuel” means any material which is capable of 10
producing energy by a self-sustaining process of
nuclear fission:

“Nuclear power plant” means any power plant in which
a nuclear reactor is or is to be used as the source of
power, whether for the generation of power, or for 15
the propulsion of a vessel or other form of conveyance,
or for any other purpose:

“Nuclear powered vessel” means any ship, aircraft,
hovercraft, or other form of conveyance, equipped
with a nuclear power plant: 20

“Nuclear reactor” means any installation containing
nuclear fuel in such an arrangement that a self-
sustaining chain process of nuclear fission can occur
therein without an additional source of neutrons:

“Nuclear waste” means any material or equipment; used 25
in or resulting from the construction or operation of
a nuclear device or from the production or use of
nuclear fuel, which is radioactive and for which there
is no longer a use:

“Nuclear weapon” means any weapon which is powered 30
by nuclear fuel or is armed or is capable of being
armed with nuclear warhead.

3. **Act to bind the Crown**—The Act shall bind the Crown.

4. **Prohibition on nuclear devices and nuclear weapons
within New Zealand**—(1) Notwithstanding the provisions of 35
any other enactment, no person shall knowingly—

(a) Bring or cause or permit to be brought into New Zealand
any nuclear device or nuclear weapon:

(b) Construct or otherwise create within New Zealand any
nuclear device or nuclear weapon: 40

(c) Cause or permit any nuclear device or nuclear weapon
to remain within New Zealand.

(2) Any person who contravenes subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding \$200,000.

5. Prohibition on nuclear waste within New Zealand—

5 (1) Notwithstanding the provisions of any other enactment, no person shall knowingly—

(a) Bring or cause or permit to be brought into New Zealand any nuclear waste;

(b) Abandon or dump within New Zealand any nuclear waste.

10 (2) Any person who contravenes subsection (1) of this section commits an offence and is liable on conviction to a fine not exceeding \$100,000.

6. Defence in case of medical or research use, or where no reasonable means available to remove nuclear device from New Zealand—(1) It shall be a defence to a charge under section 4 or section 5 of this Act for the person charged to prove that the presence within New Zealand of the nuclear device or nuclear waste is or was required for, or necessarily resulted from—

20 (a) A bona fide medical use or purpose approved by the Minister of Health as requiring that device or waste; or

25 (b) A bona fide scientific research use or purpose approved by the Minister of Science and Technology as requiring that device or waste.

(2) It shall be a defence to a charge under section 4 (c) of this Act for the person charged to prove that—

(a) There was no reasonable means available to him to remove the nuclear device from New Zealand; and

30 (b) He had informed the Minister of Science and Technology of the presence of the nuclear device within New Zealand as soon as was reasonably practicable.

SCHEDULE

3477 (XXX) ESTABLISHMENT OF A NUCLEAR-WEAPON-FREE ZONE
IN THE SOUTH PACIFIC

The General Assembly,

Conscious of the urgent need for agreement on measures to achieve the goal of general and complete disarmament, including nuclear disarmament, under effective international control,

Convinced that the proliferation of nuclear weapons and the continuance of the nuclear arms race are among the greatest threats to world peace and the survival of mankind,

Noting that Article VII of the Treaty on the Non-Proliferation of Nuclear Weapons acknowledges the right of any group of States to conclude regional treaties in order to ensure the total absence of nuclear weapons in their respective territories,

Noting further the declaration of the Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons that the establishment of internationally recognized nuclear-weapon-free zones, on the initiative and with the agreement of the directly concerned States of the zone, represents an effective means of curbing the spread of nuclear weapons and could contribute significantly to the security of those States,

Endorsing the declaration of the Review Conference that the co-operation of the nuclear-weapon States is necessary for the maximum effectiveness of any treaty arrangements for establishing a nuclear-weapon-free zone,

Recalling, in particular, the Declaration on the Denuclearization of Africa, adopted by the Assembly of Heads of State and Government of the Organisation of African Unity at its first ordinary session, held at Cairo from 17 to 21 July 1964, and the notable progress achieved by the Latin American States towards the denuclearization of their region,

Noting, in addition, that the Heads of Government of the independent or self-governing States members of the South Pacific Forum emphasized in their communique of 3 July 1975 the importance of keeping the South Pacific region free from the risk of nuclear contamination and of involvement in a nuclear conflict and commended the idea of establishing a nuclear-weapon-free zone in the South Pacific as a means of achieving that aim,

1. *Endorses* the idea of the establishment of a nuclear-weapon-free zone in the South Pacific;
2. *Invites* the countries concerned to carry forward consultations about ways and means of realizing this objective;
3. *Expresses the hope* that all States, in particular the nuclear-weapon States, will co-operate fully in achieving the objectives of the present resolution;
4. *Requests* the Secretary-General to render all necessary assistance to the States of the region in giving effect to the purpose of the present resolution.

2437th plenary meeting,
11 December 1975.