



DIS/9

NOTE NUMBER: 02/08/11

The New Zealand Permanent Mission to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Resolution 1540 and has the honour to refer to the Chairman's Note Number S/AC.44/2007/ODA/OC.39. In response to the Committee's request, the New Zealand Permanent Mission has the honour to attach updated information for New Zealand, which may be posted on the Committee's website.

The New Zealand Permanent Mission advises that Points of Contact are as follows: in New York, Phillip Taula (First Secretary), New Zealand Permanent Mission, and; in New Zealand, the Director, International Security and Disarmament Division, Ministry of Foreign Affairs and Trade.

The New Zealand Permanent Mission to the United Nations takes this opportunity to renew to the Chairman of the Security Council Committee established pursuant to Resolution 1540 the assurances of its highest consideration.

New Zealand Permanent Mission to the United Nations

NEW YORK

11 February 2008



OP 1 and related matters from OP 5, OP 6, OP 8 (a), (b), (c) and OP 10

[The new or updated information in this matrix is highlighted in bold italics]

New Zealand

State:

Date of Report:

Date of Addendum 1:

Date of Addendum 2:

28 October 2004

11 January 2006

4 February 2008

Did you make one of the following statements or is your country a State Party to or Member State of one of the following Conventions, Treaties and Arrangements ?	YES	if YES, indicate relevant information (i.e. signing, accession, ratification, entering into force, etc)	Remarks (information refers to the page of the English version of the report or an official web site)
1 General statement on non-possession of WMD	X	<i>New Zealand does not possess any WMD. New Zealand's strong and consistent policy is that all weapons of mass destruction (WMD) should be eliminated, and that their elimination should be verified and enforced through robust legally binding multilateral disarmament instruments.</i>	
2 General statement on commitment to disarmament and non-proliferation	X	<i>New Zealand has a long-standing commitment to disarmament and non-proliferation of WMD. New Zealand plays a leading role in the international community on such issues.</i>	
3 General statement on non-provision of WMD and related materials to non-State actors	X	New Zealand provides no support whatsoever to any entity - whether State or non-State actor - attempting to develop, acquire, manufacture, possess, transport or use WMD and their means of delivery	page 2 of the report
4 Biological Weapons Convention (BWC)	X	Ratified 13 December 1972	pages 7 and 8 of the report page 2 of Addendum 1
5 Chemical Weapons Convention (CWC)	X	In force 29 April 1997	pages 7 and 8 of the report page 2 of Addendum 1
6 Nuclear Non-Proliferation Treaty (NPT)	X	Ratified 17 July 1969	pages 7 and 8 of the report page 2 of Addendum 1

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to inter-governmental organizations. The matrices are prepared under the direction of the 1540 Committee.

The 1540 Committee intends to use the matrices as a reference tool for facilitating technical assistance and to enable the Committee to continue to enhance its dialogue with States on their implementation of Security Council Resolution 1540.

The matrices are not a tool for measuring compliance of States in their non-proliferation obligations but for facilitating the implementation of Security Council Resolutions 1540 and 1673. They do not reflect or prejudice any ongoing discussions outside of the Committee, in the Security Council or any of its organs, of a State's compliance with its non-proliferation or any other obligations

7	Comprehensive Nuclear Test Ban Treaty (CTBT)	X	Ratified 19 March 1999	page 8 of the report page 2 of Addendum 1 http://www.iaea.org/Publications/Documents/Conventions/cppn_status.pdf http://www.minbuza.nl/default.asp?CMS_ITEM=858DD6DAF6BE4DF2ABABD1FE0A25AB3CX3X45455X99 http://disarmament.un.org:8080/TreatyStatus.nsf
8	Convention on Physical Protection of Nuclear Material (CPPNM)	X	In Force 18 January 2004	page 7 of the report
9	Hague Code of Conduct (HCOC)	X	Subscribed 25 November 2002	
10	Geneva Protocol of 1925	X	Deposit 24 May 1930	
11	International Atomic Energy Agency (IAEA)	X	Member since 1957	
12	Nuclear Weapons Free Zone/ Protocol(s)	X	<i>The New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 establishes in NZ a Nuclear Free Zone and promotes and encourages an active and effective contribution by New Zealand to the process of disarmament and international arms control. NZ ratified the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga) on 11 December 1986</i>	page 3 of Addendum 1 http://disarmament.un.org:8080/TreatyStatus.nsf
13	Other Conventions/Treaties	X	<i>New Zealand recently signed the Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation.</i>	
14	Other Arrangements	X	1. Missile Technology Control Regime (MTCR) 2. Nuclear Suppliers Group (NSG) 3. Wassenaar Arrangement (WA) 4. Australia Group (AG)	see web sites of MTCR, NSG, WA, AG
15	Other	X	<i>New Zealand has endorsed the Proliferation Security Initiative Statement of Interdiction Principles and the Statement of Principles of the Global Initiative to Counter Nuclear Terrorism. New Zealand has also joined, and contributed towards, the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction.</i>	

OP 2 - Biological Weapons (BW)

State: **New Zealand**

Date of Report: 28 October 2004

11 January 2006

Date of Addendum 1: 4 February 2008

Date of Addendum 2:

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X		X		
2 acquire	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	pages 3 and 4 of the report
3 possess	X		X	2. Crimes Act 1961: Part 4: Parties to the Commission of Offences	
4 stockpile/store	X		X		
5 develop	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X		
6 transport	X	<i>It is an offence to have control over biological weapons within the New Zealand Nuclear Free Zone under the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, accordingly their transport within the NZ Nuclear Free Zone is also prohibited.</i>	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961	

7	transfer	<p style="text-align: center;">X</p> <p><i>It is an offence to have control over biological weapons within the New Zealand Nuclear Free Zone under the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987, accordingly their export, import and transfer is also prohibited.</i></p>	<p style="text-align: center;">X</p>
8	use	<p><i>It is an offence to have control over biological weapons within NZ under the New Zealand Nuclear Free Zone under the New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987. 'Use' of such weapons would require 'control' to be exercised and would thus be unlawful. The use of biological weapons outside of armed conflict would in any event be covered by a range of criminal offence provisions under NZ's Crimes Act 1961 relating to crimes against persons. If used as part of a terrorist act a person could be prosecuted under NZ's Terrorism Suppression Act 2002. Regarding use in armed conflict, NZ is a party to the 1925 Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare.</i></p>	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p>1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961 3. Terrorism Suppression Act 2002</p>
9	participate as an accomplice in a.m. activities	<p><i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 and general parties to</i></p>	<p style="text-align: center;">X</p> <p>1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961 <i>Part 4 Parties</i></p>

page 3 of the report
page 4 of Addendum 1

pages 3 and 4 of the report

	1001 a.m. activities	1001 a.m. general parties to offences provisions contained in Part 4 of NZ's Crimes Act 1961.	X	2. Crimes Act 1961, Part 4 Parties to the Commission of Offences attempt-to-carry-out prohibited activities	page 5 of Addendum 1
10 assist in a.m. activities	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	page 5 of the report
11 finance a.m. activities	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 Terrorism Suppression Act 2002	X	2. Crimes Act 1961, Part 4 Parties to the Commission of Offences 3. Terrorism Suppression Act	page 5 of Addendum 1

12	a.m. activities related to means of delivery	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961: Part 4 Parties to the Commission of Offences	pages 3 and 4 of the report
13	involvement of non-State actors in a.m. activities	X		X		
14	Other					

OP 2 - Chemical Weapons (CW)

State: **New Zealand**
 Date of Report: 28 October 2004
 Date of Addendum 1: 11 January 2006
 Date of Addendum 2: 4 February 2008

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X		X		
2 acquire	X	Chemical Weapons (Prohibition) Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996. <i>Imprisonment for life or a fine not exceeding \$1,000,000.</i>	pages 3 and 4 of the report
3 possess	X	Chemical Weapons (Prohibition) Act 1996 (section 6 "retains")	X	Chemical Weapons (Prohibition) Act 1996	page 3 of the report
4 stockpile/store	X	Chemical Weapons (Prohibition) Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996	pages 3 and 4 of the report
5 develop	X		X		
6 transport	X	The "transfer" and thus transport of chemical weapons are prohibited in NZ under the Chemical Weapons (Prohibition) Act 1996, accordingly their transport within NZ (or by a NZ citizen or on a NZ ship or aircraft) is prohibited.	X	Chemical Weapons (Prohibition) Act 1996	
7 transfer	X	Chemical Weapons (Prohibition) Act 1996	X		
8 use	X	Chemical Weapons (Prohibition) Act 1996	X		
9 participate as an accomplice in a.m. activities	X	Chemical Weapons (Prohibition) Act 1996 and general parties to offences provisions contained in Part 4 of NZ's Crimes Act 1961.	X	1. Chemical Weapons (Prohibition) Act 1996 2. Crimes Act 1961, Part 4 Parties to the Commission of Offences	pages 3 and 4 of the report page 6 of Addendum 1

10	assist in a.m. activities	X	Chemical Weapons (Prohibition) Act 1996 and general parties to offences provisions contained in Part 4 of NZ's Crimes Act 1961.	X		
11	finance a.m. activities	X	1. Chemical Weapons (Prohibition) Act 1996 and general parties to offences provisions contained in Part 4 of NZ's Crimes Act 1961. 2. Terrorism Suppression Act 2002	X	1. Chemical Weapons (Prohibition) Act 1996 2. Crimes Act 1961: Part 4 Parties to the Commission of Offences 3. Terrorism Suppression Act 2002	page 5 of the report page 6 of Addendum 1
12	a.m. activities related to means of delivery	X		X	Chemical Weapons (Prohibition) Act 1996	
13	involvement of non-State actors in a.m. activities	X	Chemical Weapons (Prohibition) Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2. Crimes Act 1961: attempt to carry out the prohibited activities	page 3 of the report
14	Other	X	Chemical Weapons (Prohibition) Act 1996: extraterritorial applicability			page 3 of the report

OP 2 - Nuclear Weapons (NW)

State: **New Zealand**
 Date of Report: 28 October 2004
 Date of Addendum 1: 11 January 2006
 Date of Addendum 2: 4 February 2008

Does national legislation exist which prohibits persons or entities to engage in one of the following activities? Can violators be penalized?	National legal framework		Enforcement: civil/criminal penalties and others		Remarks
	YES	if YES, indicate source document of national implementation law	YES	if YES, indicate source document	
1 manufacture/produce	X		X		
2 acquire	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	pages 3 and 4 of the report
3 possess	X		X		
4 stockpile/store	X		X		
5 develop	X	<i>The New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 prohibits aiding and abetting any person to manufacture, acquire, possess or have control over any nuclear explosive device within the Nuclear Free Zone.</i>	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	page 3 of the report
6 transport	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	pages 3 and 4 of the report
7 transfer	X	1. <i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i> 2. <i>The transfer/export of 'nuclear material' with various criminal intentions is also criminalised under the Terrorism Suppression Act offences relating to nuclear material.</i>	X	1. <i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i> 2. <i>Terrorism Suppression Act 2002</i>	page 3 of the report

8	use	X	Use' of such weapons would require 'control' to be exercised and would thus be unlawful. The use of nuclear weapons outside of armed conflict would in any event be covered by a range of criminal offence provisions under NZ's Crimes Act 1961 relating to crimes against persons. If used as part of a terrorist act a person could be prosecuted under NZ's Terrorism Suppression Act 2002.	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961 3. Terrorism Suppression Act 2002	page 3 of the report page 9 of Addendum 1
9	participate as an accomplice in a.m. activities	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961: Part 4 Parties to the Commission of Offences provisions	X	Crimes Act 1961	page 3 of the report page 9 of Addendum 1
10	assist in a.m. activities	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961: Part 4 Parties to the Commission of Offences provisions	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961: Part 4 Parties to the Commission of Offences provisions	pages 3 and 4 of the report
11	finance a.m. activities	X	1. Terrorism Suppression Act 2002 2. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. Terrorism Suppression Act 2002 2. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	page 5 of the report page 9 of Addendum 1
12	a.m. activities related to means of delivery			X		page 3 of the report
13	involvement of non-State actors in a.m. activities	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Terrorism Suppression Act 2002	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961: Part 4 Parties to the Commission of Offences provisions	pages 3, 4 and 5 of the report
14	Other	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987: extraterritorial applicability			page 9 of Addendum 1

OP 3 (a) and (b) - Account for/Secure/Physically protect BW including Related Materials

New Zealand

State: **New Zealand**
 Date of Report: **28 October 2004**
 Date of Addendum 1: **11 January 2006**
 Date of Addendum 2: **4 February 2008**

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect BW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	page 10 of Addendum 1
2 Measures to account for use	X	2. Hazardous Substances and New Organisms Act 1996	X	2. Hazardous Substances and New Organisms Act 1996	
3 Measures to account for storage	X		X		
4 Measures to account for transport		1. Hazardous Substances and New Organisms Act 1996 (controls specific organisms) 2. The transport of some biological material (UN Class 6.2 - Infectious substances) is covered under the Land Transport Rule: Dangerous Goods 2005, and the Maritime Transport Act 1994 (Maritime Rule 24A) and the Civil Aviation Act 1990 (Rule Part 92)			
5 Other measures for accounting					
6 Measures to secure production	X		X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	page 11 of Addendum 1
7 Measures to secure use	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	X		

8	Measures to secure storage	X	2. Hazardous Substances and New Organisms Act 1996	X	2. Hazardous Substances and New Organisms Act 1996
9	Measures to secure transport	X		X	
10	Other measures for securing				
11	Regulations for physical protection of facilities/materials/ transports	X		X	
12	Licensing/registration of facilities/persons handling biological materials	X	1. Hazardous Substances and New Organisms Act 1996 (controls specific organisms) 2. Health Act 1956 (to be replaced by new legislation being considered - Public Health Bill).	X	Hazardous Substances and New Organisms Act 1996 page 11 of Addendum 1
13	Reliability check of personnel	X		X	
14	Measures to account for/secure/physically protect means of delivery	X		X	
15	Regulations for genetic engineering work	X	Hazardous Substances and New Organisms Act 1996		page 11 of Addendum 1
16	Other legislation/ regulations related to safety and security of biological materials				
17	Other				

OP 3 (a) and (b) - Account for/Secure/Physically protect CW including Related Materials

State: **New Zealand**
 Date of Report: 28 October 2004
 Date of Addendum 1: 11 January 2006
 Date of Addendum 2: 4 February 2008

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect CW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X	1. Chemical Weapons (Prohibition) Act 1996 2. Hazardous Substances and New Organisms Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2. Hazardous Substances and New Organisms Act 1996	page 13 of Addendum 1
2 Measures to account for use	X				
3 Measures to account for storage	X				
4 Measures to account for transport	X	1. Hazardous Substances and New Organisms Act 1996 2. <i>Land Transport Rule: Dangerous Goods 2005</i> 3. <i>The Maritime Transport Act 1994 (Maritime Rule 24A)</i> 4. <i>The Civil Aviation Act 1990 (Rule Part 92)</i>	X	Hazardous Substances and New Organisms Act 1996	
5 Other measures for accounting					
6 Measures to secure production	X	1. Chemical Weapons (Prohibition) Act 1996 2. Hazardous Substances and New Organisms Act 1996	X	1. Chemical Weapons (Prohibition) Act 1996 2. Hazardous Substances and New Organisms Act 1996	page 13 of Addendum 1
7 Measures to secure use	X				
8 Measures to secure storage	X				

9	Measures to secure transport	X	1. Hazardous Substances and New Organisms Act 1996 2. <i>Land Transport Rule: Dangerous Goods 2005</i> 3. <i>The Maritime Transport Act 1994 (Maritime Rule 24A)</i> 4. <i>The Civil Aviation Act 1990 (Rule Part 92)</i>	X	Hazardous Substances and New Organisms Act 1996	page 14 of Addendum 1
10	Other measures for securing					
11	Regulations for physical protection of facilities/materials/ transports	X	1. Hazardous Substances Regulations 2001 (Classes 1 to 5 Controls) Regulations 2001 2. Hazardous Substances (Packaging) Regulations 2001 3. Land Transport Rule: Dangerous Goods 2005 (Rule 45001/1) 4. <i>Maritime Transport Act 1994 (Maritime Rule 24A)</i> 5. <i>The Civil Aviation Act 1990 (Rule Part 92)</i>	X	Hazardous Substances and New Organisms Act 1996	page 14 of Addendum 1
12	Licensing of chemical installations/entities/use of materials	X	1. Hazardous Substances Regulations 2001 (Classes 1 to 5 Controls) Regulations 2001 2. Hazardous Substances (Classes 6,8 and 9 Controls) Regulations 2001)	X	Hazardous Substances and New Organisms Act 1996	page 14 of Addendum 1
13	Reliability check of personnel	X	1. Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001 2. Controlled Substances Licenses provisions under section 95B of the HSNO Act	X	Hazardous Substances and New Organisms Act 1996	page 14 of Addendum 1
14	Measures to account for/secure/ physically protect means of delivery	X	Hazardous substances (Tracking) Regulations 2001	X	Hazardous Substances and New Organisms Act 1996	page 14 of Addendum 1
15	National CWC authority	X	Ministry of Foreign Affairs and Trade			www.opcw.org/docs/NationalAuthorities.pdf

16	Reporting Schedule I, II and III chemicals to OPCW					
17	Account for, secure or physically protect old chemical weapons					
18	Other legislation/ regulations controlling chemical materials	X		Hazardous Substances Regulations 2001 (Exempt Laboratories, Disposal, Identification, Emergency Management and other HSNO Act controls issued as Gazette notices and <i>Group Standards</i>)		page 15 of Addendum 1
19	Other					

OP 3 (a) and (b) - Account for/Secure/Physically protect NW including Related Materials

New Zealand

State: 28 October 2004
 Date of Report: 11 January 2006
 Date of Addendum 1: 4 February 2008
 Date of Addendum 2:

Are any of the following measures, procedures or legislation in place to account for, secure or otherwise protect NW and Related Materials? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and others		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Measures to account for production	X		X		
2 Measures to account for use	X	INFCIRC/185	X		
3 Measures to account for storage	X		X		page 16 of Addendum 1 http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
4 Measures to account for transport	X	Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill)	X	1. Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill) 2. Crimes Act 1961	
5 Other measures for accounting	X	Under new legislation being considered - the Radiation Safety Bill - compliance by all relevant parties will be monitored by the Director of Radiation Safety.			
6 Measures to secure production	X		X		
7 Measures to secure use	X		X		
8 Measures to secure storage	X		X		
9 Measures to secure transport	X		X		
10 Other measures for securing					pages 16 and 17 of Addendum 1

11	Regulations for physical protection of facilities/materials/ transports	X	Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill)	Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill)	page 17 of Addendum 1
12	Licensing of nuclear installations/entities/use of materials	X	Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill): manufacture, sale, import, export, storage and transport of radioactive material requires specific approval by Minister of Health	X 1. Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill) 2. Crimes Act 1961	page 5 of the report page 17 of Addendum 1
13	Reliability check of personnel	X	Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill)		page 17 of Addendum 1
14	Measures to account for/secure/physically protect means of delivery	X	Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill)		
15	National regulatory authority	X	Minister of Health, receiving advice from the Radiation Protection Advisory Council comprising the Director-General of Health and the Director of the National Radiation Laboratory		page 5 of the report
16	IAEA Safeguards Agreements	X	1. Safeguards Agreement in force 29 February 1972 2. Additional Protocol in force 24 September 1998		http://www.iaea.org/OurWork/SV/Safeguards/sir_table.pdf
17	IAEA Code of Conduct on Safety and Security of Radioactive Sources		Considering introducing legislation aimed at aligning NZL more closely to the Code		page 5 of the report
18	IAEA Database on Illicit Trafficking of Nuclear Materials and other Radioactive Sources	X	Contributes to Database Programme		http://www.iaea.org/About/Policy/GC/GC42/Documents/gc42-17.html

19	Other Agreements related to IAEA					
20	Additional national legislation/regulations related to nuclear materials including CPPNM	X	Terrorism Suppression Act 2002	X	1. Terrorism Suppression Act 2002 2. Crimes Act 1961	page 17 of Addendum 1
21	Other			?	Terrorism Suppression Act 2002	page 5 of the report

OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of BW including Related Materials

New Zealand

State:

Date of Report: 28 October 2004

Date of Addendum 1: 11 January 2006

Date of Addendum 2: 4 February 2008

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of BW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc	Remarks
	YES	if YES, indicate source document		
1 Border control	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	Customs and Excise Act 1996 page 18 of Addendum 1
2 Technical support of border control measures	X	Consultation with technical experts in Government Departments		
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 and the Crimes Act 1961 prohibits a person from aiding and abetting any person to manufacture, acquire, possess or have control over any biological weapon within the NZ Nuclear Free Zone.	X	1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 2. Crimes Act 1961 3. Customs and Excise Act 1996
4 Enforcement agencies/authorities	X	New Zealand Customs Service		page 18 of Addendum 1
5 Export control legislation in place	X		X	
6 Licensing provisions	X	Customs Export Prohibition Order 2005 promulgated under the	X	page 6 of the report Customs and Excise Act 1996

		2005 promulgated under the Customs and Excise Act 1996	Customs and Excise Act 1996	page 18 of Addendum 1
7	Individual licensing	X	X	
8	General licensing	X	X	
9	Exceptions from licensing	X	<i>Licensing exceptions are set out in Customs Policy Guidelines (GM POL 93) - although none for CW/BW/NW related exports.</i>	
10	Licensing of deemed export/visa		<i>No licensing for deemed exports.</i>	
11	National licensing authority	X	Secretary of Foreign Affairs and Trade	page 6 of the report
12	Interagency review for licenses	X	<i>Interagency committee</i>	page 19 of Addendum 1
13	Control lists	X	Customs Export Prohibition Order: <i>establishes the New Zealand Strategic Goods List (goods regulated under the AG, NSG, MTCR and WVA)</i>	page 6 of the report
14	Updating of lists	X	Ministry of Foreign Affairs and Trade	page 19 of Addendum 1
15	Inclusion of technologies	X		page 6 of the report
16	Inclusion of means of delivery	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	page 19 of Addendum 1
17	End-user controls	X		page 4 of the report page 19 of Addendum 1
18	Catch all clause	X	<i>The Customs and Excise Act 1996 has been amended to allow for catch all controls to be implemented. The empowering regulations are currently being prepared.</i>	Customs and Excise Act 1996

	X	<p><i>The Customs and Excise Act has been amended to allow for controls on electronic exports. The empowering regulations are currently being prepared.</i></p>	X	<p><i>Customs and Excise Act 1996</i></p>	page 19 of Addendum 1
20 Transit control	X	<p><i>Customs and Excise Act 1996, Customs Export Prohibition Order 2005</i></p>	X	<p><i>Customs and Excise Act 1996</i></p>	page 19 of Addendum 1
21 Trans-shipment control	X		X	<p><i>Customs and Excise Act 1996</i></p>	page 19 of Addendum 1
22 Re-export control	X		X		
23 Control of providing funds	X	<p><i>1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i> <i>2. The Terrorism Suppression Act 2002 could criminalise the financing of biological weapons activity related to terrorist acts or terrorist organisations.</i></p>	X	<p><i>1. New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i> <i>2. Crimes Act 1961</i> <i>3. Terrorism Suppression Act 2002</i></p>	page 20 of Addendum 1
24 Control of providing transport services	X	<p><i>The New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 prohibits the transport of biological weapons within the NZ Nuclear Free Zone. The NZNFZDAC Act and the Crimes Act 1961 also prohibit a person from aiding and abetting any person to manufacture, acquire, possess or have control over any biological weapon within the NZ Nuclear Free Zone.</i></p>	X	<p><i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 and the Crimes Act 1961</i></p>	

25	Control of importation	X	<p>1. Biosecurity Act 1993</p> <p>2. Hazardous Substances and New Organisms Act 1996</p>	<p>1. Biosecurity Act 1993</p> <p>2. Hazardous Substances and New Organisms Act 1996</p>	page 20 of Addendum 1
26	Extraterritorial applicability	X	<p><i>Extra-territorial jurisdiction applies where the conduct in question relates to terrorist offending covered by the Terrorism Suppression Act 2002 or amounts to a crime against humanity under the International Crimes and International Criminal Court Act 2000</i></p>		page 20 of Addendum 1
27	Other				

OP 3 (c) and (d) and related matters from OP 6 and OP 10 -
Controls of CW including Related Materials

New Zealand

State: 28 October 2004
Date of Report: 11 January 2006
Date of Addendum 1: 4 February 2008
Date of Addendum 2:

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of CW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc	Remarks
	YES	if YES, indicate source document		
1 Border control	X	1. Chemical Weapons (Prohibition) Act 1996 2. Customs and Excise Act 1996	X	Chemical Weapons (Prohibition) Act 1996 page 21 of Addendum 1
2 Technical support of border control measures	X	Consultation with technical experts in Government Departments		
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	The Chemical Weapons (Prohibition) Act 1996 prohibits a person from assisting any person to manufacture, develop, acquire or transfer any chemical weapon.		Chemical Weapons (Prohibition) Act 1996
4 Enforcement agencies/authorities	X	New Zealand Customs Service	X	New Zealand Customs Service page 21 of Addendum 1
5 Export control legislation in place	X	Chemical Weapons (Prohibition) Act 1996 and Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	page 6 of the report page 21 of Addendum 1
6 Licensing provisions	X		X	1. Chemical Weapons (Prohibition) Act 1996
7 Individual licensing	X		X	2. Customs and Excise Act 1996
8 General licensing	X		X	

9	Exceptions from licensing	X	Exceptions are set out in <i>Customs Policy Guidelines (GM POL 93) - although none for CW/BW/NW related exports</i>			
10	Licensing of deemed export/visa		No licensing of deemed exports			page 6 of the report
11	National licensing authority	X	Secretary of Foreign Affairs and Trade			page 21 of Addendum 1
12	Interagency review for licenses	X	Interagency committee			
13	Control lists	X	<p>1. Customs Export Prohibition Order <i>establishes the</i> Strategic Goods List (goods regulated under the AG, NSG, MTCR and WA)</p> <p>2. Chemicals listed in the Schedules to the Chemical Weapons (Prohibition) Act 1966</p> <p>3. <i>Section 25 of the HSNO Act requires that "No hazardous substance shall be imported or manufactured and no new organism shall be imported, developed, field tested, or released, otherwise in accordance with an approval issued under this Act". Section 20 requires all such approvals to be kept on a register. This register is available on the ERMA website: www.ermanz.govt.nz</i></p>			page 6 of the report
14	Updating of lists	X	Ministry of Foreign Affairs and Trade			page 22 of Addendum 1
15	Inclusion of technologies	X		X		page 6 of the report
16	Inclusion of means of delivery	X	Customs Export Prohibition Order 2005 promulgated under the	X		page 22 of Addendum 1
					Customs and Excise Act 1996	page 4 of the report
						page 22 of Addendum 1

17	End-user controls	X	Customs and Excise Act 1996	X	Customs and Excise Act 1996
18	Catch all clause	X	<i>The Customs and Excise Act 1996 has been amended to allow for catch all controls to be implemented. The empowering regulations are currently being prepared.</i>	X	Customs and Excise Act 1996
19	Intangible transfers	X	<i>The Customs and Excise Act has been amended to allow for controls on electronic exports. The empowering regulations are currently being prepared.</i>	X	Customs and Excise Act 1996
20	Transit control	X			
21	Trans-shipment control	X	Customs Export Prohibition Order 2005 promulgated under Customs and Excise Act 1996	X	Customs and Excise Act 1996
22	Re-export control	X			
23	Control of providing funds	X	<i>The Chemical Weapons (Prohibition) Act prohibits a person from assisting any person to manufacture, develop, acquire or transfer any chemical weapon. The Terrorism Suppression Act 2002 could criminalise the financing of chemical weapons activity related to terrorist acts or terrorist organisations.</i>	X	1. Chemical Weapons (Prohibition) Act 1996 2. Terrorism Suppression Act 2002
24	Control of providing transport services		Chemical Weapons (Prohibition) Act 1996		

25	Control of importation	X	<p>1. Chemical Weapons (Prohibition) Act 1996: chemicals listed in Schedules</p> <p>2. Customs and Excise Act 1996</p>		page 4 of the report page 23 of Addendum 1
26	Extraterritorial applicability	X	<p>1. Chemical Weapons (Prohibition) Act 1996</p> <p>2. <i>Extraterritorial jurisdiction also applies where the conduct in question relates to terrorist offending covered by the Terrorism Suppression Act 2002 or amounts to a crime against humanity under the International Crimes and International Criminal Court Act 2000</i></p>		page 23 of Addendum 1
27	Other				

OP 3 (c) and (d) and related matters from OP 6, and OP 10 -
Controls of NW including Related Materials

New Zealand

State:

Date of Report: 28 October 2004

Date of Addendum 1: 11 January 2006

Date of Addendum 2: 4 February 2008

Which of the following legislation, procedures, measures, agencies exist to control border crossings, export/import and other transfers of NW and Related Materials ? Can violators be penalized ?	National legal framework		Enforcement: civil/criminal penalties, and measures of implementation, etc		Remarks
	YES	if YES, indicate source document	YES	if YES, indicate source document	
1 Border control	X	1. Customs and Excise Act 1996 2. Radiation Protection Act 1975	X	Radiation Protection Act 1975	page 24 of Addendum 1
2 Technical support of border control measures	X	Consultation with technical experts in Government Departments			
3 Control of brokering, trading in, negotiating, otherwise assisting in sale of goods and technology	X	The New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 prohibits aiding and abetting any person to manufacture, acquire, possess or have control over any nuclear explosive device within the Nuclear Free Zone .	X	New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987	
4 Enforcement agencies/authorities	X	New Zealand Customs Service	X	New Zealand Customs Service	page 24 of Addendum 1
5 Export control legislation in place	X	Customs Export Prohibition Order promulgated under the Customs and Excise Act 1996	X		pages 5 and 6 of the report page 24 of Addendum 1
6 Licensing provisions	X	2. Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill)	X		
7 Individual licensing	X	1. Customs Export Prohibition Order promulgated under the	X	Customs and Excise Act 1996	

8	General licensing	X	Customs and Excise Act 1996 2. Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill)	X	page 24 of Addendum 1
9	Exceptions from licensing	X	Exceptions set out in Customs Guidelines (GIM POL 93) - although none for CW/BW/NW related exports		
10	Licensing of deemed export/visa		No licensing for deemed exporters		
11	National licensing authority	X	Secretary of Foreign Affairs and Trade		page 6 of the report
12	Interagency review for licenses	X	Interagency Committee		
13	Control lists	X	Customs Export Prohibition Order establishes the Strategic Goods List (goods regulated under the AG, NSG, MTCR and WA)		page 6 of the report
14	Updating of lists	X	Ministry of Foreign Affairs and Trade		page 25 of Addendum 1
15	Inclusion of technologies	X	Customs Export Prohibition Order	X	page 6 of the report
16	Inclusion of means of delivery	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996	X	page 25 of Addendum 1
17	End-user controls	X		X	page 25 of Addendum 1
18	Catch all clause	X	The Customs and Excise Act 1996 has been amended to allow for catch all controls to be implemented. The empowering regulations are currently being prepared.	X	Customs Export Prohibition Order 2005 promulgated under the Customs and Excise Act 1996 Customs and Excise Act 1996
19	Intangible transfers	X	The Customs and Excise Act has been amended to allow for controls on electronic exports. The empowering regulations are currently being prepared.	X	page 25 of Addendum 1

20	Transit control	X		X	Customs and Excise Act 1996	
21	Trans-shipment control	X		X	Customs and Excise Act 1996	
22	Re-export control	X		X		
23	Control of providing funds	X		X	<p>1. <i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i></p> <p>2. <i>The Terrorism Suppression Act 2002 could criminalise the financing of nuclear weapons activity related to terrorist acts or terrorist organisations.</i></p>	<p>1. <i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i></p> <p>2. <i>Terrorism Suppression Act 2002</i></p> <p>page 25 of Addendum 1</p>
24	Control of providing transport services	X		X	<p><i>The New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987 prohibits the transport of any nuclear explosive device on land or inland waters or internal waters. In addition the NZNFZDAC Act prohibits aiding and abetting any person to manufacture, acquire, possess or have control over any nuclear explosive device within the Nuclear Free Zone (this extends to servants or agents of the Crown beyond the NZ Nuclear Free Zone).</i></p>	<p><i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i></p>
25	Control of importation	X			<p>1. <i>Radiation Protection Act 1965 (to be replaced by new legislation being considered - the Radiation Safety Bill)</i></p> <p>2. <i>Customs and Excise Act 1996</i></p> <p>3. <i>Terrorism Suppression Act 2002</i></p>	<p>page 5 of the report</p> <p>page 25 of Addendum 1</p> <p><u>Terrorism Suppression Act 2002</u></p>

26	Extraterritorial applicability	X	<p><i>New Zealand Nuclear Free Zone, Disarmament and Arms Control Act 1987</i></p> <p><i>Extraterritorial jurisdiction also applies where the conduct in question relates to terrorist offending covered by the Terrorism Suppression Act 2002 or amounts to a crime against humanity under the International Crimes and International Criminal Court Act 2000</i></p>		page 25 of Addendum 1
27	Other				

OP 6, 7 and 8 (d) - Control lists, Assistance, Information

State: **New Zealand**
 Date of Report: **28 October 2004**
 Date of Addendum 2: **4 February 2008**

Can information be provided on the following issues ?	YES	Remarks
1 Control lists - items (goods/ equipment/materials/technologies)	X	New Zealand Strategic Goods List controls - goods and technologies regulated under AG, NSG, MTCR and WA, plus some additional non-military lethal goods and two additional chemicals
2 Control lists - other	X	<p><i>Regulations implementing UN Security Council Sanctions, e.g. implementation of arms embargo required by UNSCR 1267 and successor resolutions</i></p> <p><i>Section 25 of the HSNO Act requires that "No hazardous substance shall be imported or manufactured and no new organism shall be imported, developed, field tested, or released, otherwise in accordance with an approval issued under this Act". Section 20 requires all such approvals to be kept on a register. This register is available on the ERMA website: www.ermanz.govt.nz</i></p>
3 Assistance offered	X	New Zealand has previously provided technical assistance to a number of Pacific Island States on compliance with their UNSCR1540 reporting obligations.
4 Assistance requested		
5 Assistance in place (bilateral/plurilateral/multilateral)	X	New Zealand supports the G8 Global Partnership Against the Spread of WMD and has provided funding towards a range of projects, in Russia and the Ukraine, relating to destruction of chemical weapons at Shchuch'ye, shutting down of a plutonium producing plant at Zheleznogorsk, improving detection capability for smuggled nuclear and radioactive materials at the Ukraine/Russian border, and to the dismantlement of a Soviet nuclear submarine.
6 Information for industry	X	Export controls outreach to exporters, including information and visits
7 Information for the public	X	Ministry of Foreign Affairs' web site provides public information; information is also disseminated through public speeches, conferences, and publications; NGOs play a vital role