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BILLS DIGEST

Digest No. 1724

Cluster Munitions (Prohibition) Bill 2009 (2009 No 52-2)

Date of Introduction:	21 July 2009
Portfolio:	Disarmament and Arms Control
Select Committee:	Foreign Affairs, Defence and Trade
Date report presented:	30 November 2009
Published: 08 December 2009 Prepared by John McSoriley BA LL.B, Barrister Legislative Analyst P: (04) 471-9626 (Ext. 9626) F: (04) 471-1250	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 implement New Zealand's obligations under the Cluster Munitions Convention (the Convention) (adopted in Dublin on 30 May 2008 and signed by New Zealand in Oslo on 3 December 2008) by prohibiting the use of cluster munitions, as well as other activity including the acquisition, possession, retention, stockpiling, and transfer of such munitions. The Bill enables New Zealand's ratification of the Convention¹.

The Bill as introduced is described in [Bills Digest No 1697](#).

Main changes to the Bill

Definitions

The Select Committee has recommended changes to the definitions of "explosive bomblet", "explosive submunition" and "cluster munition" to more closely correspond with their respective meanings as set

¹ Cluster Munitions (Prohibition) Bill, 2009 No 52-1, Explanatory note, General policy statement, p. 1.

out in the Convention" (*Part 1, Subpart 1, Clause 5(1), amending the definitions of "explosive bomblet" and "explosive submunition"; substituting Clause 6 ("Meaning of cluster munition")*).

Application of the Act outside New Zealand

The Select Committee has recommended that it be made clear that the Bill applies overseas to a body corporate, or a corporation sole, incorporated in New Zealand as well as to New Zealand citizens and residents and members of the Armed Forces (*Part 1, amending Clause 9*).

Application of the Act to cluster munition clearing activities

The Select Committee has recommended that it be made clear a person does not commit an offence when they undertake cluster munition clearance activities overseas (*Part 2, Subpart 1, Clause 12, inserting new subsection (4A)*).

New offence to invest in cluster munitions

The Select Committee has recommended the creation of a new offence for a person to provide or invest funds with the intention that the funds be used, or knowing that they are to be used, in the development or production of cluster munitions (*Part 2, Subpart 1, Clause 11, inserting New subclause (1A)*).

Attorney-General's consent to prosecute

The Select Committee has recommended that the Attorney-General's consent be required before a prosecution is commenced under Clause 11 (*Part 2, Subpart 4, inserting new Clause 17A*).

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