



Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 8 May 2020 from the Permanent Mission of New Zealand to the United Nations addressed to the Chair of the Committee

The Permanent Mission of New Zealand to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to convey herewith the report and matrix¹ outlining the implementation measures that New Zealand has taken under Security Council resolution 1540 (2004) (see annex).

The Permanent Mission of New Zealand to the United Nations also has the honour to advise that it has voluntarily included reference in the matrix to the Treaty on the Prohibition of Nuclear Weapons, which New Zealand has signed and ratified.

The Permanent Mission of New Zealand to the United Nations would like to suggest that the Committee may wish to consider including an entry line for the Treaty on the Prohibition of Nuclear Weapons in the reporting matrix for future submissions.

¹ The matrix submitted by New Zealand will be circulated in the original language of submission only, as agreed by the Committee.



Annex to the note verbale dated 8 May 2020 from the Permanent Mission of New Zealand to the United Nations addressed to the Chair of the Committee

Report of New Zealand on the implementation of Security Council resolution 1540 (2004)

Since its initial report to the Security Council Committee established pursuant to resolution 1540 (2004) dated 28 October 2004 (S/AC.44/2004/(02)/54) and additional reports dated 11 January 2006 and 11 February 2008, the Government of New Zealand has further enhanced its implementation of Security Council resolution 1540 (2004) as detailed below.

New and updated commitments

In 2014, New Zealand concluded a modified small quantities protocol with the International Atomic Energy Agency (IAEA), which amends the safeguards agreement concluded with the Agency in 1972.

New Zealand has adopted new legislation, namely the Radiation Safety Act of 2016, which replaces earlier legislation regulating nuclear and radioactive materials. The Act provides that no person may manufacture, possess, control, use, import, export, perform a service in relation to or deal with a radiation source without authorization.

The Radiation Safety Act completed the country's process for the implementation in domestic law of the Amendment to the Convention on the Physical Protection of Nuclear Material and the International Convention for the Suppression of Acts of Nuclear Terrorism. New Zealand ratified both Conventions in 2016.

In 2017, New Zealand amended the Maritime Crimes Act of 1999 to include provisions to criminalize the intentional transport of weapons of mass destruction-related material, including on the high seas, as well as the discharge of weapons of mass destruction and related materials from fixed platforms. This allowed New Zealand to ratify the 2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the 2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf.

In 2018, New Zealand adopted the Brokering (Weapons and Related Items) Controls Act, which provides a regulatory regime for offshore brokering activities related, inter alia, to dual-use items that could be used in the manufacture of weapons of mass destruction.

In 2018, New Zealand ratified the Treaty on the Prohibition of Nuclear Weapons, under which it undertakes, inter alia, never under any circumstances to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State party under the Treaty. Such prohibited activities include the development, testing, production, manufacture, acquisition, possession or stockpiling of nuclear weapons or other nuclear explosive devices; the transfer to any recipient whatsoever of nuclear weapons or other nuclear explosive devices or control over such weapons or explosive devices directly or indirectly; and the use or threat of use of nuclear weapons or other nuclear explosive devices. Under the Treaty, New Zealand also undertakes to maintain its IAEA safeguards obligations in force at the time of entry into force of the Treaty, without prejudice to any additional relevant instruments that it may adopt in the future.

New Zealand has enacted regulations to implement Security Council sanctions related to weapons of mass destruction and their means of delivery, notably with regard to the Democratic People's Republic of Korea.

Other changes to laws and regulations

Since New Zealand submitted its most recent report to the Committee, a number of laws and regulations referred to in that report have been revised or amended. These include the Customs and Excise Act of 2018, by which the previous legislation (the Customs and Excise Act of 1996) is modernized, and the Customs Export Prohibition Order of 2017, which is renewed every three years.

In 2017, New Zealand updated its legal regime for hazardous substances and new organisms, and implemented a new distribution of regulatory authority between agencies responsible for environmental protection and workplace safety. A number of regulations made under the Hazardous Substances and New Organisms Act have been updated.

In the attached matrix (see enclosure), New Zealand indicates to the Committee how it assesses that its laws and regulations fulfil the requirements of resolution [1540 \(2004\)](#).

Cooperation and assistance

In recent years, New Zealand has continued to provide various forms of assistance to other States to implement the provisions of resolution [1540 \(2004\)](#). This assistance includes:

- Regular financial contributions to the IAEA Nuclear Security Fund and voluntary financial support for the Organisation for the Prohibition of Chemical Weapons, for example funding a conference on chemical security in 2017
- Financial assistance for national and regional training programmes in nuclear security, nuclear forensics and the detection of illicit nuclear materials
- Support for the Global Partnership against the Spread of Weapons and Materials of Mass Destruction through financial contributions to projects referred to above
- Participation in, and financial support for, regional training programmes conducted under the auspices of the Global Initiative to Combat Nuclear Terrorism
- Hosting of an Asia-Pacific regional exercise under the Proliferation Security Initiative in 2015 and contribution to annual exercises hosted by other regional partners of the Initiative
- Provision of a wide range of assistance to Pacific Island Countries to strengthen their border controls and legal systems
- Hosting of a seminar on resolution [1540 \(2004\)](#) for parliamentarians from Pacific Island Countries in September 2019

New Zealand is an active participant in a large number of international forums for disarmament and non-proliferation. With regard to recent initiatives relating to issues covered in resolution [1540 \(2004\)](#), New Zealand:

- Participated in the four Nuclear Security Summits convened between 2010 and 2016 and contributed to the voluntary initiatives that resulted from them
- Co-chaired the Association of Southeast Asian Nations Regional Forum inter-sessional meeting on non-proliferation and disarmament from 2015 to 2017 and hosted the group's meeting in 2017

- Joined the International Partnership against Impunity for the Use of Chemical Weapons in 2018
- Assumed the chair of the Missile Technology Control Regime for 2019/20 and hosted the group's plenary meeting in October 2019

Enclosure

Implementation matrix

The information in the matrices originates primarily from national reports and is complemented by official government information, including that made available to intergovernmental organizations. The matrices are prepared under the direction of the Security Council Committee established pursuant to resolution 1540 (2004).

The 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 (2004).

The matrices are not a tool for measuring compliance of States with their non-proliferation obligations but for facilitating the implementation of resolutions 1540 (2004), 1673 (2006), 1810 (2008) and 1977 (2011). They do not reflect or prejudice any ongoing discussions outside the Committee, in the Security Council or any of its organs of a State's compliance with its non-proliferation or any other obligations. Information on voluntary commitments is for reporting purposes only and does not constitute in any way a legal obligation arising from resolution 1540 (2004) or its successive resolutions.

Matrix entries are only indicators of fact and not indicators of the degree of compliance under resolution 1540 (2004) and its successor resolutions.

An "X" in any data field signifies only that the Committee considers that a State has taken the steps required and/or has provided specific references to the applicable legal basis or executive behaviour as evidence of such steps. An "X" against any data field does not necessarily signify that a State has met in full its obligations under the resolution for that data field.

A "?" in any data field signifies that the references to legislative or other measures may not be directly relevant or are incomplete.

"N/A" (not applicable) in any data field signifies that the data field is not applicable to a State that, through legally binding instruments, specified that it did not possess related materials or facilities.

A blank in any data field signifies that there is insufficient information available to enter an "X" or a "?" against a particular data field.

Notes

All references are to legislation as amended and in force as at 31 October 2019.

References to particular sections of legislation indicate the primary relevant provision, but this should be read in the context of the instrument as a whole.

Paragraph 1 and related matters from paragraphs 5, 8 (a), (b) and (c) and 10

<i>Adherence to legally binding instruments, membership of organizations, participation in arrangements and statements made</i>		<i>Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc.)</i>	<i>Remarks (information refers to the page of the English version of the national report or an official web site)</i>
1	Treaty on the Non-Proliferation of Nuclear Weapons	Ratified 17 July 1969	
2	Nuclear-Weapon-Free Zone/Protocol(s)	<ol style="list-style-type: none"> 1. South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), ratified 11 December 1986 2. The New Zealand Nuclear Free Zone, Disarmament and Arms Control Act establishes a nuclear-free zone in New Zealand 	
3	Treaty on the Prohibition of Nuclear Weapons	Ratified 31 July 2018	
4	International Convention for the Suppression of Acts of Nuclear Terrorism	Entry into force for New Zealand 17 April 2016	
5	Convention on the Physical Protection of Nuclear Material	Entry into force 18 January 2004	
6	2005 Amendment to the Convention	Entry into force for New Zealand 8 May 2016	
7	Comprehensive Nuclear-Test-Ban Treaty (not in force)	Ratified 19 March 1999	
8	Chemical Weapons Convention	Entry into force 29 April 1997	
9	Biological Weapons Convention	Ratified 13 December 1972	
10	Geneva Protocol of 1925	Deposited 24 May 1930	
11	1997 International Convention for the Suppression of Terrorist Bombings	Entry into force for New Zealand 4 December 2002	
12	1999 International Convention for the Suppression of the Financing of Terrorism	Entry into force for New Zealand 4 December 2002	
13	2005 Protocol to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation	Entry into force for New Zealand 6 June 2018	
14	2005 Protocol to the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf	Entry into force for New Zealand 6 June 2018	

Adherence to legally binding instruments, membership of organizations, participation in arrangements and statements made

Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc.)

Remarks (information refers to the page of the English version of the national report or an official web site)

- | | | |
|----|---|--|
| 15 | 2010 Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation | |
| 16 | Other relevant regional legally binding instruments | Waigani Convention, 1995 – ratified by New Zealand on 30 November 2000 |
| 17 | International Atomic Energy Agency | Member since 13 September 1957

Safeguards agreement (small quantities protocol) (INFCIRC/185) 29 February 1972

Additional Protocol (INFCIRC/185/Add.1) 24 September 1998

Modified small quantities protocol (INFCIRC/185/Mod.1) 24 February 2014 |
| 18 | Directly relevant arrangements | New Zealand participates in the following arrangements: <ol style="list-style-type: none"> 1. Missile Technology Control Regime 2. Nuclear Suppliers Group 3. Wassenaar Arrangement 4. Australia Group 5. Proliferation Security Initiative 6. Global Initiative to Combat Nuclear Terrorism 7. World Customs Organization Framework of Standards to Secure and Facilitate Global Trade |
| 19 | Statement on non-provision of weapons of mass destruction and related materials to non-State actors | New Zealand does not provide any support whatsoever to any entity – whether a State or non-State actor – attempting to develop, acquire, manufacture, possess, transport or use weapons of mass destruction, their means of delivery and related materials |

<i>Adherence to legally binding instruments, membership of organizations, participation in arrangements and statements made</i>	<i>Relevant information (i.e. signing, deposit of instrument of accession, ratification, etc.)</i>	<i>Remarks (information refers to the page of the English version of the national report or an official web site)</i>
20 Membership of relevant international, regional or subregional organizations	<ol style="list-style-type: none">1. World Customs Organization2. World Health Organization3. International Maritime Organization4. World Organization for Animal Health5. International Criminal Police Organization6. Global Partnership Against the Spread of Weapons and Materials of Mass Destruction	

Paragraph 2: nuclear weapons, chemical weapons and biological weapons

National legislation that prohibits persons or entities from engaging in one of the following activities and its enforcement	National legal framework				Enforcement and civil/criminal penalties				Remarks	
	X/?			Source document of national implementation law	X/?			Source document		
	NW	CW	BW		NW	CW	BW			
1	Manufacture				NW: NZNFZA, sect. 5; TSA, sects. 13 C–E CW: CWPA, sect. 6 BW: NZNFZA, sect. 8; HSNOA, sect. 25				NW: NZNFZA, sect. 14; TSA, sects. 13 C–E CW: CWPA, sects. 6, 7, 9 and 15 BW: NZNFZA, sect. 14; HSNOA, part 7	
2	Acquire				As above				As above	
3	Possess				As above				As above	CWPA refers to “retain”
4	Develop				NW: TSA, sects. 13 C–E CW: CWPA, sect. 6 BW: HSNOA, sect. 25				NW: NZNFZA, sect. 14; TSA, sects. 13 C–E CW: CWPA, sects. 6, 7, 9 and 15 BW: HSNOA, part 7	
5	Transport				All: Maritime Crimes Act, sects. 4 B and 5 A NW: NZNFZA, sect. 6 CW: CWPA, sect. 6 (1) (b) BW: NZNFZA, sect. 8				All: Maritime Crimes Act, sects. 4 B and 8 NW: NZNFZA, sect. 14 CW: CWPA, sects. 6, 7, 9 and 15 BW: NZNFZA, sect. 14; HSNOA, part 7	CWPA prohibits transfer; hence transport is also prohibited NZNFZA prohibits control; hence transport of NW and BW is also prohibited

National legislation that prohibits persons or entities from engaging in one of the following activities and its enforcement	National legal framework				Enforcement and civil/criminal penalties				
	X/?			Source document of national implementation law	X/?				Remarks
	NW	CW	BW		NW	CW	BW	Source document	
6 Transfer				NW: NZNFZA, sect. 5; TSA, sects. 13 C–E CW: CWPA, sect. 6 (1) (b) BW: NZNFZA, sect. 8				NW: NZNFZA, sect. 14; TSA, sects. 13 C–E CW: CWPA, sects. 6, 7, 9 and 15; TSA, sects. 6 and 7 BW: NZNFZA, sect. 14; HSNOA, part 7	NZNFZA does not mention transfer of NW and BW but does refer to possession and control
7 Use				NW: TSA, sects. 13 C–E; NZNFZA, sect. 7 CW: CWPA, sect. 6; TSA, sects. 4–7 and 13 C–E BW: TSA, sects. 4–7; HSNOA, sect. 25				NW: NZNFZA, sect. 14; TSA, sects. 6, 7 and 13 C–E CW: CWPA, sects. 6, 7, 9 and 15; TSA, sects. 6, 7 and 13 C–E, BW: TSA, sects. 6 and 7; HSNOA, part 7	TSA with regard to terrorist acts; HSNOA with regard to new organisms
8 Attempt to engage in above-mentioned activities				All: Crimes Act, sect. 72				All: Crimes Act, sect. 72	
9 Participate as an accomplice in above-mentioned activities				All: Crimes Act, sect. 66 NW: NZNFZA, sect. 5 CW: CWPA, sect. 6				All: Crimes Act, sect. 66 NW: NZNFZA, sect. 14 CW: CWPA, sect. 6	
10 Assist in above-mentioned activities				As above				As above	

National legislation that prohibits persons or entities from engaging in one of the following activities and its enforcement	National legal framework				Enforcement and civil/criminal penalties					Remarks
	X/?			Source document of national implementation law	X/?			Source document		
	NW	CW	BW		NW	CW	BW			
11 Finance above-mentioned activities				All: TSA, sects. 8–10; AML/CFT, sects. 37–39, 91–99, 101–104 and 106–111; Crimes Act, part 4 NW: NZNFZA, sect. 5 CW: CWPA, sect. 6 (1) (e)				All: TSA, sects. 8–10; AML/CTF, sects. 72–90, 100, 105 and 112; Crimes Act, part 4 NW: NZNFZA, sect. 14 CW: CWPA, sects. 6, 7, 9 and 15	Finance is covered by the provisions of NZNFZA on aiding and abetting	
12 Above-mentioned activities related to means of delivery ^a				All: Customs and Excise Act, sect. 97; Customs Export Prohibition Order, sect. 6 NW: NZNFZA, sect. 5; TSA, sects. 13 C–E CW: CWPA, sect. 6 BW: NZNFZA, sect. 8				All: Crimes Act, part 4; Customs and Excise Act, sects. 388 and 389 NW: NZNFZA, sect. 14; TSA, sects. 13 C–E CW: CWPA, sect. 6 BW: NZNFZA, sect. 14	Customs legislation covers the export of means of delivery; NZNFZA and TSA cover delivery insofar as they cover control and use; CWPA refers to military preparations	

Abbreviations: AML/CTF, Anti-Money Laundering and Countering Financing of Terrorism Act, 2009; BW, biological weapons; CW, chemical weapons; CWPA, Chemical Weapons Prohibition Act, 1996; HSNOA, Hazardous Substances and New Organisms Act, 1996; NW, nuclear weapons; NZNFZA, New Zealand Nuclear Free Zone, Disarmament and Arms Control Act, 1987; TSA, Terrorism Suppression Act, 2002.

^a Means of delivery: missiles, rockets and other unmanned systems capable of delivering nuclear, chemical or biological weapons that are specially designed for such use.

Paragraph 3 (a) and (b): account for/secure/physically protect nuclear weapons, chemical weapons and biological weapons, including related materials^a

<i>Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials</i>		<i>National legal and/or regulatory framework</i>				<i>Enforcement and civil/criminal penalties</i>				
		<i>X/?</i>			<i>Source document</i>	<i>X/?</i>			<i>Remarks</i>	
		<i>NW</i>	<i>CW</i>	<i>BW^b</i>		<i>NW</i>	<i>CW</i>	<i>BW</i>		
1	Measures to account for production				NW: IAEA safeguards agreement (INFCIRC/185); RSA, sect. 35 CW: CWPA, sects. 12–14, HSNOA, sect. 28 BW: HSNOA, sect. 34				NW: RSA, sect. 67 CW: CWPA, sects. 13–15; HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A	
2	Measures to account for use				NW: IAEA safeguards agreement (INFCIRC/185); RSA, sects. 21–23 and 35 CW: CWPA, sects. 12–14; HSNOA, sects. 28–33; Health and Safety at Work (Hazardous Substances) Regulations, 2017, part 13 BW: HSNOA, sects. 26–29, 34–38 and 50, schedule 2				NW: RSA, subpart 3 CW: CWPA, sects. 13–15; HSNOA, parts 7 and 7 A; Health and Safety at Work (Infringement Offences and Fees) Regulations, 2016 BW: HSNOA, parts 7 and 7 A	
3	Measures to account for storage				NW: IAEA safeguards agreement (INFCIRC/185); RSA, sect. 35 CW: CWPA, sects. 12–14; HSNOA, sects. 28–33 and 109; Health and Safety at Work (Hazardous Substances) Regulations, 2017, part 13 BW: HSNOA, sects. 26–29, 34–38 and 50, schedule 2				As above	

<i>Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials</i>	<i>National legal and/or regulatory framework</i>				<i>Enforcement and civil/criminal penalties</i>				<i>Remarks</i>
	<i>X/?</i>			<i>Source document</i>	<i>X/?</i>			<i>Source document</i>	
	<i>NW</i>	<i>CW</i>	<i>BW^b</i>		<i>NW</i>	<i>CW</i>	<i>BW</i>		
4 Measures to account for transport				NW: RSA, sect. 35 CW: CWPA, sects. 12–14, HSNOA, sects. 28–33 and 51, schedule 3, part 3 BW: HSNOA, sects. 34–49, 51 and 124; Hazardous Substances and New Organisms (Genetically Modified Organisms – Information Requirements for Segregation and Tracing) Regulations, 2008				NW: RSA, subpart 3 CW: CWPA, sects. 13–15; HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A	CWPA refers to “transfer”
5 Measures to secure production				NW: RSA, sect. 11 CW: HSNOA, sects. 77–79, schedule 1 A A BW: HSNOA, sects. 39–45 and 50, schedule 2 [•]				As above	
6 Measures to secure use				NW: RSA, sects. 11 and 30–32 CW: HSNOA, sects. 77–79; Health and Safety at Work (Hazardous Substances) Regulations, 2017 BW: HSNOA, sects. 39–45 A and 50, schedule 2				NW: RSA, subpart 3 CW: HSNOA, parts 7 and 7 A; Health and Safety at Work (Hazardous Substances) Regulations, 2017; Health and Safety at Work (Infringement Offences and Fees) Regulations, 2016 BW: HSNOA, parts 7 and 7 A	

<i>Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials</i>	<i>National legal and/or regulatory framework</i>				<i>Enforcement and civil/criminal penalties</i>				<i>Remarks</i>	
	<i>X/?</i>			<i>Source document</i>	<i>X/?</i>			<i>Source document</i>		
	<i>NW</i>	<i>CW</i>	<i>BW^b</i>		<i>NW</i>	<i>CW</i>	<i>BW</i>			
7	Measures to secure storage				NW: RSA, sects. 12 and 20 CW: HSNOA, sects. 77–79, schedule 3, part 3; Health and Safety at Work (Hazardous Substances) Regulations, 2017; Hazardous Substances (Hazardous Property Controls) Notice, 2017; Hazardous Substances (Storage and Disposal) of Persistent Organic Pollutants) Notice, 2004 BW: HSNOA, sects. 39–45 A; Hazardous Substances and New Organisms (Genetically Modified Organisms – Information Requirements for Segregation and Tracing) Regulations, 2008; Biosecurity Act, sect. 39				As above	
8	Measures to secure transport				All: Land Transport Rule: Dangerous Goods, 2005; Maritime Transport Act (Rule 24); Civil Aviation Act (Part 92) NW: RSA, sects. 12 and 24 (import/export) CW: HSNOA, sects. 28–33 (import) and 51, schedule 3, part 3				NW: RSA, subpart 3 CW: HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A	

<i>Measures to establish domestic controls to prevent the proliferation of NW, CW, BW, and their means of delivery; controls over related materials</i>	<i>National legal and/or regulatory framework</i>				<i>Enforcement and civil/criminal penalties</i>				<i>Remarks</i>
	<i>X/?</i>			<i>Source document</i>	<i>X/?</i>			<i>Source document</i>	
	<i>NW</i>	<i>CW</i>	<i>BW^b</i>		<i>NW</i>	<i>CW</i>	<i>BW</i>		
				BW: HSNOA, sects. 34–49, 51 and 124, schedule 3, parts 1 and 2; Hazardous Substances and New Organisms (Genetically Modified Organisms – Information Requirements for Segregation and Tracing) Regulations, 2008					
9 Physical protection measures				NW: RSA, sects. 11 and 20 CW: Health and Safety at Work (Hazardous Substances) Regulations, 2017 BW: HSNOA, sect. 38 K				NW: RSA, subpart 3 CW: HSNOA, parts 7 and 7 A BW: HSNOA, parts 7 and 7 A	
10 Personnel reliability				NW: RSA, sects. 19 (1) (a) (i) and 22 (1) (c) and (d) CW: Health and Safety at Work (Hazardous Substances) Regulations, 2017, regulations. 4.1–4.6 BW: Hazardous Substances and New Organisms (Personnel Qualifications) Regulations, 2001, regulations. 9 and 10				NW: RSA, subpart 3, and licensing procedures CW: HSNOA, parts 7 and 7 A; Health and Safety at Work (Hazardous Substances) Regulations, 2017; Health and Safety at Work (Infringement Offences and Fees) Regulations, 2016 BW: HSNOA, parts 7 and 7 A	

Abbreviations: BW, biological weapons; CW, chemical weapons; CWP, Chemical Weapons Prohibition Act, 1996; HSNOA, Hazardous Substances and New Organisms Act, 1996; IAEA, International Atomic Energy Agency; NW, nuclear weapons; RSA, Radiation Safety Act, 2016.

^a Related materials: materials, equipment and technology covered by relevant multilateral treaties and arrangements, or included on national control lists, which could be used for the design, development, production or use of nuclear, chemical and biological weapons and their means of delivery.

^b Information required in this section may also be available in the State's confidence-building measures report, if submitted to the Biological Weapons Convention Implementation Support Unit.

Paragraph 3 (a) and (b): account for/secure/physically protect nuclear weapons, including related materials (nuclear weapon-specific)

Measures to establish domestic controls to prevent the proliferation of nuclear weapons, and their means of delivery; controls over related materials

Source document

Remarks

1	National regulatory authority	Office of Radiation Safety, Ministry of Health, in accordance with the Radiation Safety Act	
2	Licensing of nuclear installations/entities/use of materials	Radiation Safety Act, sects. 13–23	
3	International Atomic Energy Agency (IAEA) safeguards agreements	Safeguards agreement (small quantities protocol) (INFCIRC/185) 29 February 1972 Additional Protocol (INFCIRC/Add.1) 24 September 1998 Modified small quantities protocol (INFCIRC/185/Mod.1) 24 February 2014	
4	IAEA Code of Conduct on the Safety and Security of Radioactive Sources	Radiation Safety Act	
5	Supplementary Guidance on the Import and Export of Radioactive Sources	Radiation Safety Act	
6	IAEA Incident and Trafficking Database	New Zealand agreed to report incidents in 1997 and continues to do so	
7	Integrated Nuclear Security Support Plan/International Physical Protection Advisory Service	The Integrated Nuclear Security Support Plan is implemented by the Radiation Safety Act New Zealand received a visit by the International Physical Protection Advisory Service in 2015 and has implemented many of its recommendations	
8	Applying the physical protection recommendations in INFCIRC/225/Rev.5	Implemented and regulated by the Radiation Safety Act	
9	Other agreements related to IAEA		
10	National legislation and regulations related to nuclear material, including the Convention on the Physical Protection on Nuclear Material	Radiation Safety Act, 2016 Codes of safe practice, in particular ORS-C6 (transport) and a new code on security (to be issued shortly)	For updates to codes of practice, see www.health.govt.nz/our-work/ionising-radiation-safety/managing-entities-radiation-sources/codes-practice

Paragraph 3 (a) and (b): account for/secure/physically protect chemical weapons, including related materials (chemical weapon-specific)

Measures to establish domestic controls to prevent the proliferation of chemical weapons, and their means of delivery; controls over related materials

Source document

Remarks

- | | | | |
|---|---|---|---|
| 1 | National Chemical Weapons Convention authority | Ministry of Foreign Affairs and Trade as the administering authority of the Chemical Weapons (Prohibition) Act | |
| 2 | Licensing/registration of installations/facilities/persons/entities/use/handling of related materials | Hazardous Substances and New Organisms Act, 1996
Health and Safety at Work (Major Hazard Facilities) Regulations, 2016
Health and Safety at Work (Hazardous Substances) Regulations, 2017 | |
| 3 | Old or abandoned chemical weapons | N/A | There are no old or abandoned chemical weapons in New Zealand |

Paragraph 3 (a) and (b): account for/secure/physically protect biological weapons, including related materials (biological weapon-specific)

Measures to establish domestic controls to prevent the proliferation of biological weapons, their means of delivery; controls over related materials

Source document

Remarks

- | | | | |
|---|---|---|--|
| 1 | Licensing/registration of installations/facilities/persons/entities/use/handling of materials | Hazardous Substances and New Organisms Act, 1996, and subsidiary regulations
Biosecurity Act, 1993, part 3 | |
|---|---|---|--|

Paragraph 3 (c) and (d) and related matters from paragraph 6: controls of nuclear weapons, chemical weapons and biological weapons, including related materials

Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including related materials	National legal framework				Enforcement and civil/criminal penalties					Remarks
	X/?				X/?					
	NW	CW	BW	Source document	NW	CW	BW	Source document		
1	Border control to detect, deter, prevent and combat illicit trafficking			Customs and Excise Act				Customs and Excise Act, part 4		
2	Law enforcement to detect, deter, prevent and combat illicit trafficking			As above				As above		
3	Border control detection measures			As above				As above		
4	Control of brokering			Brokering (Weapons and Related Items) Controls Act				Brokering (Weapons and Related Items) Controls Act, sect. 12		
5	Export control legislation in place			Customs and Excise Act, sects. 96 and 97				Customs and Excise Act, sects. 388 and 389		
6	Licensing provisions and authority			Under the Customs and Excise Act, sects. 96 and 97, the Minister for Foreign Affairs and Trade is authorized to issue licences				As above		
7	Control lists of materials, equipment and technology			Under the Customs and Excise Act, sect. 96, the publication of a New Zealand strategic goods list is authorized				As above	The list is available at www.mfat.govt.nz/assets/Strategic-goods-forms/2018-NZ-Strategic-Goods-List-August-2018-with-Table-of-Contents-reviewed.docx	

<i>Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including related materials</i>	<i>National legal framework</i>				<i>Enforcement and civil/criminal penalties</i>					<i>Remarks</i>
	<i>X/?</i>				<i>X/?</i>					
	<i>NW</i>	<i>CW</i>	<i>BW</i>	<i>Source document</i>	<i>NW</i>	<i>CW</i>	<i>BW</i>	<i>Source document</i>		
8	Intangible technology transfers			Under the Customs and Excise Act, sect. 96 (11), the export of some intangible transfers, e.g. data stored on a tangible item and data sent in electronic form, is controlled				As above		
9	Inclusion of means of delivery			Means of delivery are controlled by the Customs and Excise Act, sects. 96 (by which the New Zealand strategic goods list is authorized) and 97 (catch-all controls), and the Customs Export Prohibition Order, 2017				As above		
10	End user controls			End user certificates may be required as a condition of approval to export strategic goods						
11	Catch-all clause			Customs and Excise Act, sect. 97; Customs Export Prohibition Regulations, 2017, sect. 6				Customs and Excise Act, sects. 388 and 389		
12	Transit control			Import/export provisions of the Customs and Excise Act apply to transit				As above		
13	Trans-shipment control			Import/export provisions of the Customs and Excise Act apply to trans-shipment				As above		

Border controls and export and trans-shipment controls to prevent the proliferation of nuclear, chemical and biological weapons and their means of delivery, including related materials	National legal framework				Enforcement and civil/criminal penalties				Remarks
	X/?				X/?				
	NW	CW	BW	Source document	NW	CW	BW	Source document	
14 Re-export control				Export provisions of the Customs and Excise Act apply to re-export				As above	
15 Control over financing of exports/trans-shipments that would contribute to proliferation				Terrorism Suppression Act, 2002, sects. 8–10; Anti-Money Laundering and Countering Financing of Terrorism Act, 2009, sects. 37, 38, 91–99, 101–104 and 106–111; Crimes Act, part 4				All: Crimes Act, part 4; Terrorism Suppression Act, 2002, sects. 8–10; Anti-Money Laundering and Countering Financing of Terrorism Act, sects. 72–90, 100, 105 and 112 NW: New Zealand Nuclear Free Zone, Disarmament and Arms Control Act, sect. 14 CW: Chemical Weapons Prohibition Act, sects. 6, 7, 9 and 15	
16 Control over services related to exports/trans-shipments that would contribute to proliferation, including transportation				Crimes Act, part 4, provisions on aiding and abetting				As above	

Paragraphs 7 and 8 (d): assistance, work with and inform industry and the public, and other information

Assistance, work with and inform industry, and other information

Remarks

1 Assistance offered	New Zealand provides assistance to Pacific Island States to implement Security Council resolution 1540 (2004) , for example through measures to strengthen border measures and customs procedures and provide legal drafting assistance. The Parliament of New Zealand co-hosted a seminar on resolution 1540 (2004) for parliamentarians of Pacific Island States in 2019
2 Assistance point of contact (for assistance providers only)	International Security and Disarmament Division, Ministry of Foreign Affairs and Trade
3 Assistance requested	None
4 Action taken to work with and inform industry	New Zealand government agencies have a programme of outreach to companies and research institutions that engage in the export of strategic goods to raise awareness of proliferation risks and ways to mitigate them
5 Action taken to work with and inform the public	New Zealand law and regulations to implement resolution 1540 (2004) are available through government publications and websites. New Zealand positions on disarmament and non-proliferation are also publicly available
6 Point of contact	International Disarmament and Security Division, Ministry of Foreign Affairs and Trade
7 Voluntary national implementation action plan	N/A
8 Committee visits to States	N/A