

Mercenary Activities (Prohibition) Bill 2003

29 September 2003

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990: MERCENARY ACTIVITIES (PROHIBITION) BILL 2003

1. We have considered whether the Mercenary Activities (Prohibition) Bill 2003 (PCO 4867/8) ("the Bill") is consistent with the New Zealand Bill of Rights Act 1990. We understand that the Bill is to be considered by the Cabinet Legislation Committee on Thursday, 9 October 2003.
2. We have concluded that the Bill appears to achieve overall consistency with the Bill of Rights Act.
3. The stated purpose of the Bill is to implement the International Convention against the Recruitment, Use, Financing and Training of Mercenaries 1989 ("the Mercenaries Convention"), which is the only multilateral treaty that directly addresses issues relating to mercenaries. Although it is not a signatory of the Mercenaries Convention, New Zealand will be able to accede to it once the Bill is passed.
4. The Bill seeks to create a number of offences to deal with activities involving mercenaries. It creates an extraterritorial jurisdiction to deal with suspected offences committed by New Zealanders abroad. It will also be possible for New Zealand to prosecute a foreign national suspected of having committed an offence against the Mercenaries Convention elsewhere who is apprehended in this country and not extradited.
5. In accordance with your instructions, we attach a copy of this opinion for referral to the Minister of Justice.

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Office of the Legal Counsel

CC Minister of Justice

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