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Charter of the United Nations (Terrorism and Sanctions Legislation) Amendment Regulations 2003 (No. 1)¹

Statutory Rules 2003 No. ²

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I, GUY STEPHEN MONTAGUE GREEN, Administrator of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Charter of the United Nations Act 1945*.

Dated 25 JUN 2003 2003

G S M Green

Administrator

By His Excellency's Command

ALEXANDER DOWNER
Minister for Foreign Affairs

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1 Name of Regulations

These Regulations are the *Charter of the United Nations (Terrorism and Sanctions Legislation) Amendment Regulations 2003 (No. 1)*.

2 Commencement

These Regulations commence on gazettal.

3 Amendment of *Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002*

Schedule 1 amends the *Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002*.

4 Amendment of *Charter of the United Nations (Sanctions — Afghanistan) Regulations 2001*

Schedule 2 amends the *Charter of the United Nations (Sanctions — Afghanistan) Regulations 2001*.

2	<i>Charter of the United Nations (Terrorism and Sanctions Legislation) Amendment Regulations 2003 (No. 1)</i>	2003, 1
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Schedule 1 **Amendments of *Charter of the
United Nations (Terrorism and
Dealings with Assets)
Regulations 2002***
(regulation 3)

[1] Before regulation 1

insert

Part 1 Preliminary

[2] Regulation 5, after definition of asset

insert

Committee means the Committee established under paragraph 6 of Resolution 1267.

[3] Regulation 5, after definition of *proscribed person or entity*

insert

Resolution 1267 means Resolution 1267 (1999) of the Security Council of the United Nations.

Resolution 1333 means Resolution 1333 (2000) of the Security Council of the United Nations.

[4] Regulation 5, after definition of *Resolution 1373*

insert

Resolution 1390 means Resolution 1390 (2002) of the Security Council of the United Nations.

[5] After regulation 5

insert

**Part 2 Grounds for listing persons,
entities or assets**

[6] Regulation 6, heading

substitute

6 Listing for Resolution 1373

[7] After regulation 6

insert

**Part 3 Proscription under section 18
of the Act**

6A Proscribed person or entity

- (1) For subsection 18 (1) of the Act, the following are proscribed persons or entities:
- (a) the Taliban;
 - (b) Usama bin Laden;
 - (c) a member of the Al-Qaida organisation;
 - (d) a person or entity named in the list of the Committee, as in existence from time to time.

Note Paragraph 4 (b) of Resolution 1267, paragraph 8 (c) of Resolution 1333 and paragraph 2 of Resolution 1390 require States to freeze the assets of the persons mentioned in this regulation, and of entities directly or indirectly controlled by them.

(2) In this regulation:

list of the Committee means the list of individuals, groups, undertakings and entities associated with a person or entity mentioned in paragraph (1) (a), (b) or (c) that is maintained by the Committee in accordance with paragraph 2 of Resolution 1390.

[8] **Before regulation 7**

insert

Part 4 Miscellaneous

Schedule 2 **Amendments of *Charter of the United Nations (Sanctions — Afghanistan) Regulations 2001***

(regulation 4)

[1] Regulation 3 (b)

omit

or (ii); and

insert

or (ii).

[2] Regulation 3 (c)

omit

**[3] Regulation 6, definitions of *asset*, *bin Laden asset*
and *Taliban asset***

omit

[4] Regulation 6, definition of *bin Laden entity*

substitute

bin Laden entity means:

- (a) Usama bin Laden; or
- (b) the Al-Qaida organisation; or
- (c) an individual or entity designated by the Committee under paragraph 8 (c) of Resolution 1333 as being associated with Usama bin Laden.

[5] Regulation 6, definition of *Taliban entity*

substitute

Taliban entity means:

- (a) the Taliban; or
- (b) an undertaking designated by the Committee under paragraph 4 (b) of Resolution 1267 as being owned or controlled by the Taliban.

[6] Part 4

omit

Notes

1. These Regulations amend (in Schedule 1) Statutory Rules 2002 No. 314.
These Regulations also amend (in Schedule 2) Statutory Rules 2001 No. 181, as amended by 2001 No. 298; 2002 No. 196.
2. Notified in the *Commonwealth of Australia Gazette* on 2003. 2 July