



Charter of the United Nations (Sanctions—Iran) Regulations 2008

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made under the

Charter of the United Nations Act 1945

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About this compilation

This compilation

This is a compilation of the *Charter of the United Nations (Sanctions—Iran) Regulations 2008* that shows the text of the law as amended and in force on 16 December 2014 (the *compilation date*).

This compilation was prepared on 16 December 2014.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on ComLaw (www.comlaw.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on ComLaw for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on ComLaw for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Charter of the United Nations (Sanctions—Iran) Regulations 2008*.

2 Commencement

These Regulations commence immediately after the commencement of Schedule 1 to the *International Trade Integrity Act 2007*.

3 Repeal

The *Charter of the United Nations (Sanctions—Iran) Regulations 2007* are repealed.

4 Definitions

In these Regulations:

Act means the *Charter of the United Nations Act 1945*.

arms or related matériel includes:

- (a) weapons; and
- (b) ammunition; and
- (c) military vehicles and equipment; and
- (d) spare parts and accessories for the things mentioned in paragraphs (a) to (c); and
- (e) paramilitary equipment.

Australian aircraft has the same meaning as in the *Criminal Code*.

Australian ship has the same meaning as in the *Criminal Code*.

bunkering service, for a vessel, includes:

Regulation 4

- (a) the provision of fuel to the vessel; and
- (b) the provision of supplies to the vessel; and
- (c) other servicing of the vessel.

Committee means the Committee established by paragraph 18 of Resolution 1737.

controlled asset means an asset that is owned or controlled by:

- (a) a designated person or entity; or
- (b) a person or entity acting on behalf of or at the direction of a designated person or entity; or
- (c) an entity owned or controlled by a designated person or entity, including through illicit means.

designated person or entity means a person or entity:

- (a) designated in the Annex to Resolution 1737; or
- (b) designated by the Committee or by the Security Council for paragraph 12 of Resolution 1737.

export sanctioned goods has the meaning given by regulation 5.

goods include items, materials, equipment and technology.

import sanctioned goods has the meaning given by regulation 6.

Iranian vessel means a vessel that is:

- (a) registered in Iran; or
- (b) Iranian owned or contracted, including by charter.

paramilitary equipment means any of the following:

- (a) batons, clubs, riot sticks and similar devices of a kind used for law enforcement purposes;
- (b) body armour, including:
 - (i) bullet-resistant apparel; and
 - (ii) bullet-resistant pads; and
 - (iii) protective helmets;
- (c) handcuffs, leg-irons and other devices used for restraining prisoners;

- (d) riot protection shields;
- (e) whips;
- (f) parts and accessories designed or adapted for use in, or with, equipment mentioned in paragraphs (a) to (e).

permissible goods has the meaning given by regulation 9.

prohibition notice has the meaning given by subregulation 5A(2).

Resolution 1737 means Resolution 1737 (2006) of the Security Council, adopted on 23 December 2006.

Resolution 1747 means Resolution 1747 (2007) of the Security Council, adopted on 24 March 2007.

Resolution 1803 means Resolution 1803 (2008) of the Security Council, adopted on 3 March 2008.

Resolution 1929 means Resolution 1929 (2010) of the Security Council, adopted on 9 June 2010.

sanctioned service has the meaning given in regulation 8.

sanctioned supply has the meaning given in regulation 7.

Security Council means the United Nations Security Council.

Note: In these Regulations:

- (a) the ***Department*** is the Department of Foreign Affairs and Trade; and
- (b) the ***Minister*** is the Minister for Foreign Affairs; and
- (c) ***asset*** has the meaning given in section 2 of the Act.

5 Export sanctioned goods

- (1) For these Regulations, the following are ***export sanctioned goods***:
 - (a) either:
 - (i) goods mentioned in a document specified by the Minister under subregulation (1A); or
 - (ii) if no legislative instrument is in force under subregulation (1A)—goods mentioned in

Regulation 5A

INFCIRC/254/Rev.9/Part 1, INFCIRC/254/Rev.7/Part 2 or Security Council document S/2010/263;

- (b) goods that have been determined by the Security Council or the Committee for paragraph 3(d) of Resolution 1737 or paragraph 8 of Resolution 1929;
 - (c) arms and related matériel described in the annex to the United Nations General Assembly Resolution A/RES/46/36 L dated 6 December 1991 (for the purpose of the United Nations Register of Conventional Arms);
 - (d) goods specified in a determination under subregulation (2);
 - (e) goods that are, or are capable of being, key components, or a subassembly, of goods mentioned in paragraph (d).
- (1A) The Minister may, by legislative instrument, specify documents for subparagraph (1)(a)(i).
- (2) If the Minister is satisfied that specified goods could, if supplied to Iran, contribute to:
- (a) enrichment-related, reprocessing or heavy water-related activities; or
 - (b) the development of nuclear weapon delivery systems; or
 - (c) the pursuit of activities about which the International Atomic Energy Agency has expressed concern or identified as outstanding;
- the Minister may, by legislative instrument, determine that the goods are export sanctioned goods.
- (3) In paragraph (1)(e), goods are key components, or a subassembly, of other goods if they:
- (a) are an integral part of the other goods; and
 - (b) are not goods of a kind that are used extensively for ordinary purposes.

Example for paragraph (b)

Nuts and bolts are goods of a kind that are used extensively for ordinary purposes.

5A Prohibition notices

- (1) The Minister may prohibit a person from supplying, selling or transferring goods if:
 - (a) the goods are not export sanctioned goods; and
 - (b) the Minister is satisfied on reasonable grounds that, if the goods were supplied, sold or transferred, the goods could:
 - (i) directly or indirectly, be supplied to Iran, or be supplied for the use in or benefit of Iran; or
 - (ii) be incorporated into goods that could be supplied to Iran, or be supplied for the use in or benefit of Iran; and
 - (c) the Minister is satisfied on reasonable grounds that the goods could, if supplied to Iran, or if supplied for the use in or benefit of Iran, contribute to:
 - (i) enrichment-related, reprocessing or heavy water-related activities; or
 - (ii) the development of nuclear weapon delivery systems; or
 - (iii) the pursuit of activities about which the International Atomic Energy Agency has expressed concern or identified as outstanding.
- (2) If the Minister prohibits a person from supplying, selling or transferring goods under subregulation (1):
 - (a) the Minister must give the person written notice of the prohibition (a **prohibition notice**); and
 - (b) the prohibition notice must specify the goods that the person is prohibited from supplying, selling or transferring.
- (3) If:
 - (a) the Minister gave a person a prohibition notice under subregulation (2); and
 - (b) the Minister is satisfied on reasonable grounds that the prohibition is no longer necessary;the Minister may revoke the prohibition notice by giving the person written notice of the revocation.

Regulation 6

6 Import sanctioned goods

For these Regulations, the following, whether or not they originate in Iran, are *import sanctioned goods*:

- (a) goods mentioned in paragraph 5(1)(a);
- (b) arms and related materiel.

7 Sanctioned supply

A person makes a *sanctioned supply* if:

- (a) the person supplies, sells or transfers goods to another person; and
- (b) the goods are export sanctioned goods; and
- (c) as a direct or indirect result of the supply, sale or transfer the goods are transferred to Iran, or are incorporated into goods that are transferred to Iran.

8 Sanctioned service

For these Regulations, each of the following is a provision of a *sanctioned service*:

- (a) the provision to any person of:
 - (i) technical assistance or training; or
 - (ii) financial assistance; or
 - (iii) investment, brokering or other financial services; if it assists with, or is provided in relation to, a sanctioned supply;
- (b) the provision to any person of:
 - (i) technical assistance or training; or
 - (ii) financial assistance; or
 - (iii) investment, brokering or other financial services; if it assists with the manufacture or use of export sanctioned goods in Iran or on behalf of a person or entity in Iran;
- (c) the transfer of financial resources, if it relates to:
 - (i) a sanctioned supply; or

Regulation 9

- (ii) the manufacture or use of export sanctioned goods in Iran, or by an Iranian national;
- (d) the transportation of goods:
 - (i) that are the subject of a sanctioned supply; or
 - (ii) that are import sanctioned goods in the course of being procured from Iran or from a person or entity in Iran.

9 Permissible goods

For these Regulations, the following are *permissible goods*:

- (a) goods mentioned in B.1 of INFCIRC/254/Rev.9/Part 1—provided that the goods are for light water reactors;
- (b) low-enriched uranium mentioned in A.1.2 of INFCIRC/254/Rev.9/Part 1—provided that the low-enriched uranium is incorporated in assembled nuclear fuel elements for light water reactors;
- (c) goods mentioned in the Annex to INFCIRC/254/Rev.7/Part 2—provided that the goods are:
 - (i) for exclusive use in light water reactors; and
 - (ii) necessary for technical cooperation provided to Iran by the International Atomic Energy Agency or under the Agency's auspices as mentioned in paragraph 16 of Resolution 1737.

Part 2—UN sanction enforcement laws

10 Prohibitions relating to a sanctioned supply

- (2) A person contravenes this regulation if:
- (a) the person makes a sanctioned supply; and
 - (b) the sanctioned supply is not an authorised supply.
- (3) Section 15.1 of the *Criminal Code* applies to an offence under section 27 of the Act that relates to a contravention of subregulation (2).
- Note: This has the effect that the offence has extraterritorial operation.
- (4) A person, whether or not in Australia, and whether or not an Australian citizen, contravenes this regulation if the person uses the services of an Australian ship or an Australian aircraft to transport export sanctioned goods in the course of, or for the purpose of, making a sanctioned supply that is not an authorised supply.
- (5) A body corporate contravenes this regulation if:
- (a) the body corporate has effective control over the actions of another body corporate or entity, wherever incorporated or situated; and
 - (b) the other body corporate or entity makes a sanctioned supply; and
 - (c) the sanctioned supply is not an authorised supply.
- (6) For this regulation:
- authorised supply** means a sanctioned supply that is authorised by:
- (a) a permit under regulation 11; or
 - (b) if the supply, sale or transfer takes place in or from a foreign country—a permit:
 - (i) granted by the foreign country; and
 - (ii) properly granted by the foreign country; and

Regulation 11

- (iii) granted in a way that accords with the foreign country's obligations under Resolution 1737.
- (7) A defendant, to a charge under section 27 of the Act that relates to subregulation (2), (4) or (5), bears an evidential burden in relation to the matter in subparagraph (b)(i) of the definition of authorised supply in subregulation (6).
- (8) For paragraph (b) of the definition of authorised supply in subregulation (6), a permit is taken not to have been properly granted if the prosecution shows that the permit was granted on the basis of false or misleading information provided by any person, or of corrupt conduct by any person.

Note: This regulation is a UN sanction enforcement law as specified by the Minister under the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

11 Permit to make a sanctioned supply

- (1) The Minister may, on application, grant a person a permit authorising the making of a sanctioned supply of goods if:
 - (a) the goods are permissible goods; or
 - (b) all of the following apply:
 - (i) the contract for delivery of the goods includes appropriate end-user guarantees;
 - (ii) the Minister has obtained a commitment from the Government of Iran not to use the goods in the proliferation of sensitive nuclear activities or for the development of nuclear weapon delivery systems;
 - (iii) the Minister has obtained from the Committee a determination in advance under paragraph 9 of Resolution 1737 that the goods would clearly not contribute to the development of Iran's technologies in support of its proliferation of sensitive nuclear activities or the development of nuclear weapon delivery systems.

Note: Section 13A of the Act applies to a permit granted by the Minister under this subregulation.

Regulation 11A

- (2) If the goods are permissible goods, the Minister must not grant a permit unless satisfied that:
 - (a) the requirements of the guidelines in INFCIRC/254/Rev.9/Part 1, INFCIRC/254/Rev.7/Part 2 and Security Council document S/2006/985 have been met; and
 - (b) Australia has obtained a right to verify the end-use and end-use location for any goods that are supplied, sold or transferred; and
 - (c) Australia is in a position to exercise that right effectively; and
 - (d) the Security Council or the Committee has not prohibited the sale, supply or transfer of the goods to Iran; and
 - (e) for goods mentioned in sections 3 to 6 of the Annex to INFCIRC/254/Rev.7/Part 2—the Minister has notified the Committee of the supply in advance.
- (3) A permit is subject to any conditions specified in the permit.
- (4) If the Minister grants a permit under subregulation (2), he or she must take steps to ensure that, within 10 days after the supply, sale or transfer takes place, notification is given to:
 - (a) the Committee; and
 - (b) for goods mentioned in INFCIRC/254/Rev.9/Part 1 or INFCIRC/254/Rev.7/Part 2—the International Atomic Energy Agency.

11A Contravention of a prohibition notice

- (1) A person contravenes this regulation if:
 - (a) the Minister has given the person a prohibition notice under regulation 5A; and
 - (b) the person supplies, sells or transfers goods that are the subject of the prohibition notice; and
 - (c) the prohibition notice has not been revoked.
- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 27 of the Act that relates to a contravention of this regulation.

Regulation 12

Note: Subregulation (2) has the effect that the offence has extraterritorial operation.

- (3) A body corporate contravenes this regulation if:
- (a) the body corporate has effective control over the actions of another body corporate or entity (the *person*), wherever incorporated or situated; and
 - (b) the person supplies, sells or transfers goods that are the subject of a prohibition notice given to the person under regulation 5A; and
 - (c) the prohibition notice has not been revoked.

Note: This regulation is a UN sanction enforcement law as specified by the Minister under the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

12 Prohibitions relating to import sanctioned goods

- (2) A person contravenes this regulation if the person procures import sanctioned goods from Iran or from a person or entity in Iran.
- (3) Section 15.1 of the *Criminal Code* applies to an offence under section 27 of the Act that relates to a contravention of subregulation (2).

Note: This has the effect that the offence has extraterritorial operation.

- (4) A person, whether or not in Australia, and whether or not an Australian citizen, contravenes this regulation if the person uses the services of an Australian ship or an Australian aircraft to transport import sanctioned goods in the course of, or for the purpose of, procuring the goods from Iran or from a person or entity in Iran.
- (5) A body corporate contravenes this regulation if:
- (a) the body corporate has effective control over the actions of another body corporate or entity, wherever incorporated or situated; and
 - (b) the other body corporate or entity procures import sanctioned goods from Iran or a person or entity in Iran.

Regulation 13

Note: This regulation is a UN sanction enforcement law as specified by the Minister under the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

13 Prohibitions relating to the provision of sanctioned services

- (2) A person contravenes this regulation if:
- (a) the person provides a sanctioned service; and
 - (b) it is not an authorised service; and
 - (c) it is not provided in relation to an authorised supply.
- (3) Section 15.1 of the *Criminal Code* applies to an offence under section 27 of the Act that relates to a contravention of subregulation (2).

Note: This has the effect that the offence has extraterritorial operation.

- (4) A body corporate contravenes this regulation if:
- (a) the body corporate has effective control over the actions of another body corporate or entity, wherever incorporated or situated; and
 - (b) the other body corporate or entity provides a sanctioned service; and
 - (c) the sanctioned service is not an authorised service; and
 - (d) the sanctioned service is not provided in relation to an authorised supply.
- (5) For this regulation:

authorised service means a sanctioned service that is authorised by:

- (a) a permit under regulation 14; or
- (b) if the service is provided in a foreign country—a permit:
 - (i) granted by the foreign country; and
 - (ii) properly granted by the foreign country; and
 - (iii) granted in a way that accords with the foreign country's obligations under Resolution 1737.

Authorised supply means a sanctioned supply that is authorised by:

Regulation 14

- (a) a permit under regulation 11; or
 - (b) if the supply, sale or transfer takes place in or from a foreign country—a permit:
 - (i) granted by the foreign country; and
 - (ii) properly granted by the foreign country; and
 - (iii) granted in a way that accords with the foreign country's obligations under Resolution 1737.
- (6) A defendant, to a charge under section 27 of the Act that relates to subregulation (2) or (4), bears an evidential burden in relation to:
- (a) the matter in subparagraph (b)(i) of the definition of authorised service in subregulation (5); and
 - (b) the matter in subparagraph (b)(i) of the definition of authorised supply in subregulation (5).
- (7) For paragraph (b) of the definitions of authorised service and of authorised supply in subregulation (5), a permit is taken not to have been properly granted if the prosecution shows that the permit was granted on the basis of false or misleading information provided by any person, or of corrupt conduct by any person.

Note: This regulation is a UN sanction enforcement law as specified by the Minister under the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

14 Permit to provide a sanctioned service

- (1) The Minister may, on application, grant a person a permit authorising the provision of a sanctioned service if:
- (a) the service relates to goods that are permissible goods; or
 - (b) all of the following apply:
 - (i) the contract for delivery of the service includes appropriate end-user guarantees;
 - (ii) the Minister has obtained a commitment from the Government of Iran not to use the service in the proliferation of sensitive nuclear activities or for the development of nuclear weapon delivery systems;

Regulation 15

- (iii) the Minister has obtained from the Committee a determination in advance under paragraph 9 of Resolution 1737 that the service would clearly not contribute to the development of Iran's technologies in support of its proliferation of sensitive nuclear activities or the development of nuclear weapon delivery systems.

Note: Section 13A of the Act applies to a permit granted by the Minister under this subregulation.

- (2) The Minister must not grant a permit unless satisfied that the requirements of the Guidelines in INFCIRC/254/Rev.9/Part 1, INFCIRC/254/Rev.7/Part 2 and Security Council document S/2006/985 have been met in relation to the sanctioned service.
- (3) A permit is subject to any conditions specified in the permit.

15 Prohibition relating to dealings with designated person or entity

- (2) A person contravenes this regulation if:
 - (a) the person directly or indirectly makes an asset available to, or for the benefit of:
 - (i) a designated person or entity; or
 - (ii) a person or entity acting on behalf of or at the direction of a designated person or entity; or
 - (iii) an entity owned or controlled by a designated person or entity, including through illicit means; and
 - (b) the making available of the asset is not authorised by a permit under regulation 17.
- (3) Section 15.1 of the *Criminal Code* applies to an offence under section 27 of the Act that relates to a contravention of subregulation (2).

Note 1: Subregulation (3) has the effect that the offence has extraterritorial application.

Note 2: This regulation is a UN sanction enforcement law as specified by the Minister under the Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008.

16 Prohibition relating to controlled assets

- (2) A person contravenes this regulation if:
- (a) the person holds a controlled asset; and
 - (b) the person:
 - (i) uses or deals with the asset; or
 - (ii) allows the asset to be used or dealt with; or
 - (iii) facilitates the use of, or the dealing with, the asset; and
 - (c) the use or dealing is not authorised by a permit under regulation 17.
- (3) Section 15.1 of the *Criminal Code* applies to an offence under section 27 of the Act that relates to a contravention of subregulation (2).

Note 1: Subregulation (3) has the effect that the offence has extraterritorial application.

Note 2: This regulation is a UN sanction enforcement law as specified by the Minister under the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

17 Permit for assets and controlled assets

- (1) The Minister may, on application, grant a person a permit authorising:
- (a) the making available of an asset to a person or entity that would otherwise contravene subregulation 15(2); or
 - (b) a use of, or a dealing with, a controlled asset.
- Note: Section 13A of the Act applies to a permit granted by the Minister under this subregulation.
- (2) A permit is subject to any conditions specified in the permit.
- (3) An application must be for:
- (a) a use or dealing that relates to:
 - (i) a sanctioned supply authorised by a permit under regulation 11; or

Regulation 17

- (ii) a sanctioned service authorised by a permit under regulation 14;
where the supply or service relates directly to goods mentioned in paragraphs 9(a) and (b) (a *permissible nuclear dealing*); or
 - (b) a basic expense dealing, a legally required dealing, a contractual dealing, a required payment dealing or an extraordinary expense dealing mentioned in regulation 5 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.
- (4) An application must specify which kind of dealing mentioned in subregulation (3) the application is for.
- (5) If the application is for a permissible nuclear dealing, the Minister must notify the Committee of the application before granting a permit.
- (6) If the application is for a basic expense dealing, the Minister:
 - (a) must notify the Committee of the application; and
 - (b) may grant a permit only if 5 working days have passed since the notification was given, and the Committee has not advised against granting a permit to the applicant.
- (7) If the application is for a legally required dealing, the Minister must notify the Committee of the application before granting a permit.
- (8) If the application is for a required payment dealing:
 - (a) the dealing must not relate to a sanctioned supply, a sanctioned service or a procurement of import sanctioned goods from Iran or from a person or entity in Iran (except as permitted under paragraph (3)(a)); and
 - (b) the Minister:
 - (i) must notify the Committee of the application; and
 - (ii) may grant a permit only if 10 working days have passed since notification was given.

Regulation 17A

- (9) If the application is for an extraordinary expense dealing, the Minister:
- (a) must notify the Committee of the application; and
 - (b) may grant a permit only with the approval of the Committee.

Note: Part 2 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008* applies to these Regulations.

17A Prohibition relating to selling or making available an interest in sensitive commercial activities

- (1) A person contravenes this regulation if the person sells, or otherwise makes available, an interest in a sensitive commercial activity to:
- (a) Iran; or
 - (b) an Iranian national; or
 - (c) an entity incorporated in Iran or subject to Iranian jurisdiction; or
 - (d) a person or entity acting on behalf of, or at the discretion of, Iran, an Iranian national, or an entity incorporated in Iran or subject to Iranian jurisdiction; or
 - (e) an entity owned or controlled by Iran, an Iranian national, or an entity incorporated in Iran or subject to Iranian jurisdiction.

- (2) For this regulation:

sensitive commercial activity means a commercial activity involving:

- (a) uranium mining; or
- (b) uranium production; or
- (c) the use of nuclear materials or technology listed in INFCIRC/254/Rev.9/Part 1, including:
 - (i) uranium-enrichment and reprocessing activities; or
 - (ii) all heavy-water activities; or
 - (iii) the development of technology related to ballistic missiles capable of delivering nuclear weapons.

Regulation 17B

17B Prohibition relating to transferring technology or technical assistance about ballistic missiles

A person contravenes this regulation if:

- (a) the person transfers technology, or provides technical assistance, to Iran; and
- (b) the technology or assistance is for, or in relation to, an activity related to the development or use of ballistic missiles capable of delivering nuclear weapons, including launches using ballistic missile technology.

17C Prohibition relating to bunkering service

- (1) A person contravenes this regulation if the person provides a bunkering service to an Iranian vessel and:
 - (a) the service is provided either:
 - (i) from Australia; or
 - (ii) by an Australian national, whether or not the service is provided within Australia; and
 - (b) the service is not authorised in accordance with regulation 17D.
- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 27 of the Act that relates to a contravention of this regulation.

Note: Subregulation (2) has the effect that the offence has extraterritorial operation.

17D Permit to provide a bunkering service

- (1) The Minister may, on application, grant a person a permit authorising the provision of a bunkering service to an Iranian vessel.
- (2) The Minister must not grant the permit if the Minister has reasonable grounds to believe that the vessel is carrying export sanctioned goods unless:

Regulation 17E

- (a) the supply of the service is necessary for humanitarian purposes; or
 - (b) the export sanctioned goods have been inspected and, if necessary, seized and disposed of.
- (3) A permit is subject to any conditions specified in the permit.

17E Prohibition relating to conduct of unauthorised business with specified entity

- (1) This regulation applies to a person who is:
- (a) an Australian national; or
 - (b) subject to Australian jurisdiction; or
 - (c) an entity incorporated in Australia; or
 - (d) an entity subject to Australian jurisdiction.
- (2) A person contravenes this regulation if:
- (a) the person conducts business with:
 - (i) an entity specified by the Minister in a legislative instrument for this subparagraph (a *specified entity*); or
 - (ii) an individual or entity acting on behalf of, or under the direction of, the specified entity; or
 - (iii) an entity owned or controlled, whether or not by illicit means, by the specified entity; and
 - (b) the business is not authorised in accordance with regulation 17F.
- (3) The Minister must specify an entity for subparagraph (2)(a)(i) if the Minister has reasonable grounds to believe that:
- (a) the entity is incorporated in Iran or subject to Iranian jurisdiction; and
 - (b) unauthorised business with the entity may contribute to:
 - (i) Iran's proliferation-sensitive nuclear activities; or
 - (ii) the development of nuclear weapon delivery systems; or
 - (iii) a violation of Resolution 1737, Resolution 1747, Resolution 1803 or Resolution 1929.

Regulation 17F

17F Permit to conduct business with specified entity

- (1) The Minister may, on application, grant a person a permit authorising the conduct of business with an individual or entity mentioned in paragraph 17E(2)(a).
- (2) The Minister must not grant the permit if the Minister has reasonable grounds to believe that the business may contribute to the matters mentioned in paragraph 17E(3)(b).
- (3) A permit is subject to any conditions specified in the permit.

Part 2A—Other matters

17G No claim for breach of contract or failure to perform transaction

- (1) This regulation applies to:
 - (a) the Government of Iran; and
 - (b) a person who is an Iranian national or subject to Iranian jurisdiction; and
 - (c) a designated person or entity; and
 - (d) a person able to claim through, or for the benefit of, the Government of Iran or a person or entity mentioned in paragraph (b) or (c).
- (2) Despite any provision of a law of the Commonwealth, or of a State or Territory, no claim, action or demand may be made or taken against a person for a breach of contract or a failure to perform a transaction if the performance of the contract or transaction was prevented by reason of the measures imposed by Resolution 1737, Resolution 1747, Resolution 1803 or Resolution 1929.

Part 3—Miscellaneous

18 Delegations by Minister

- (1) The Minister may delegate the Minister's powers and functions under these Regulations (other than this power of delegation) to:
 - (a) the Secretary of the Department; or
 - (b) an SES employee, or acting SES employee, in the Department.
- (2) The delegation must be in writing.
- (3) The delegate must comply with any directions of the Minister in exercising powers or functions under the delegation.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnotes about misdescribed amendments and other matters are included in a compilation only as necessary.

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the amendment is set out in the endnotes.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

A = Act	orig = original
ad = added or inserted	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
am = amended	pres = present
amdt = amendment	prev = previous
c = clause(s)	(prev...) = previously
C[x] = Compilation No. x	Pt = Part(s)
Ch = Chapter(s)	r = regulation(s)/rule(s)
def = definition(s)	Reg = Regulation/Regulations
Dict = Dictionary	reloc = relocated
disallowed = disallowed by Parliament	renum = renumbered
Div = Division(s)	rep = repealed
exp = expires/expired or ceases/ceased to have effect	rs = repealed and substituted
F = Federal Register of Legislative Instruments	s = section(s)/subsection(s)
gaz = gazette	Sch = Schedule(s)
LI = Legislative Instrument	Sdiv = Subdivision(s)
LIA = <i>Legislative Instruments Act 2003</i>	SLI = Select Legislative Instrument
(md) = misdescribed amendment	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
o = order(s)	<u>underlining</u> = whole or part not commenced or to be commenced
Ord = Ordinance	

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
2008 No 31	20 Mar 2008 (F2008L00927)	24 Mar 2008 (s 2)	
2008 No 42	11 Apr 2008 (F2008L01051)	12 Apr 2008	—
2008 No 109	19 June 2008 (F2008L02097)	20 June 2008	—
2009 No 59	15 Apr 2009 (F2009L01298)	16 Apr 2009	—
2010 No 228	22 July 2010 (F2010L02120)	23 July 2010	—
193, 2014	15 Dec 2014 (F2014L01705)	Sch 1 (items 5-8): 16 Dec 2014 (s 2)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
r 4	am 2010 No 228
r 5	am 2009 No 59; 2010 No 228; No 193, 2014
r 5A.....	ad 2010 No 228
r 6	rs 2010 No 228 am No 193, 2014
r 9	am 2008 No 109 rs 2010 No 228
Part 2	
r 10	am 2008 No 42
Note to r 10 (8)	ad 2008 No 42
r 11	am 2009 No 59; 2010 No 228
r 11A.....	ad 2010 No 228
r 12	am 2008 No 42
Note to r 12 (5)	ad 2008 No 42
r 13	am 2008 No 42
Note to r 13 (7)	ad 2008 No 42
r 14	am 2010 No 228
r 15	am 2008 No 42
Note to r 15 (3)	rep 2008 No 42
Note 1 to r 15 (3)	ad 2008 No 42
Note 2 to r 15 (3)	ad 2008 No 42
r 16	am 2008 No 42
Note to r 16 (3)	rep 2008 No 42
Note 1 to r 16 (3)	ad 2008 No 42
Note 2 to r 16 (3)	ad 2008 No 42
r 17A.....	ad 2010 No 228

Endnote 4—Amendment history

Provision affected	How affected
r 17B.....	ad 2010 No 228
r 17C.....	ad 2010 No 228
r 17D.....	ad 2010 No 228
r 17E.....	ad 2010 No 228
r 17F.....	ad 2010 No 228
Part 2A	
Part 2A.....	ad 2010 No 228
r 17G.....	ad 2010 No 228
