Commonwealth Coat of Arms

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

Select Legislative Instrument No. 47, 2008 as amended

made under the

Charter of the United Nations Act 1945

**Compilation start date:** 27 August 2014

**Includes amendments up to:** SLI No. 123, 2014

**About this compilation**

**This compilation**

This is a compilation of the *Charter of the United Nations (Sanctions—Liberia) Regulations 2008* as in force on 27 August 2014. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 27 August 2014.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of each amended provision.

**Uncommenced amendments**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

**Application, saving and transitional provisions for provisions and amendments**

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

**Modifications**

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

**Provisions ceasing to have effect**

If a provision of the compiled law has expired or otherwise ceased to have effect 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—Liberia) Regulations 2008*.

2 Commencement

These Regulations commence on the day after they are registered.

4 Definitions

In these Regulations:

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

***arms or related matériel*** includes the following:

(a) weapons;

(b) ammunition;

(c) military vehicles and equipment;

(d) paramilitary equipment;

(e) spare parts for the things mentioned in paragraphs (a) to (d).

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

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

***Committee*** means the committee established under paragraph 21 of Resolution 1521.

***controlled asset*** means an asset owned or controlled, directly or indirectly, by a designated person or entity.

***designated person or entity*** means a person or entity:

(a) named in paragraph 1 of Resolution 1532; or

(b) that the Committee designates for paragraph 1 of Resolution 1532; or

(c) that the Security Council decides is subject to the asset freeze measures relating to Liberia.

Note: The list of designated persons and entities maintained by the Committee could in 2014 be viewed on the United Nations’ website (http://www.un.org).

***export sanctioned goods*** has the meaning given by regulation 5.

***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.

***protective clothing*** includes flak jackets and military helmets.

***resolution*** means a resolution adopted by the Security Council.

***Resolution 1521*** means Resolution 1521 (2003) of the Security Council, adopted on 22 December 2003.

***Resolution 1532*** means Resolution 1532 (2004) of the Security Council, adopted on 12 March 2004.

***sanctioned service*** has the meaning given by regulation 6.

***sanctioned supply*** has the meaning given by regulation 7.

***UNMIL*** means the United Nations Mission in Liberia.

Note: The following expressions used in these Regulations are defined in the Act:

(a) asset;

(b) UN sanction enforcement law.

5 Definition of *export sanctioned goods*

***Export sanctioned goods*** means arms or related matériel.

6 Definition of *sanctioned service*

***Sanctioned service*** means:

(a) the provision to a non‑governmental entity or individual in Liberia of any of the following, in relation to military activities:

(i) assistance, including financing and financial assistance;

(ii) advice or training; or

(b) the provision to the government of Liberia of any of the following, in relation to military or other security sector activities:

(i) assistance, including financing and financial assistance;

(ii) advice or training.

7 Definition of *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 Liberia.

Part 2—UN sanction enforcement laws

8 Prohibitions relating to a sanctioned supply

(1) A person contravenes this subregulation if:

(a) the person makes a sanctioned supply; and

(b) the sanctioned supply is not an authorised supply under subregulation (6).

(2) For an offence under section 27 of the Act that relates to a contravention of subregulation (1) by an individual, strict liability applies to the circumstance that the making of the sanctioned supply is not authorised by a permit under regulation 9.

(3) A person contravenes this subregulation if:

(a) the person (whether or not in Australia, and whether or not an Australian citizen) 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; and

(b) the sanctioned supply is not an authorised supply under subregulation (6).

(4) A body corporate contravenes this subregulation 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 under subregulation (6).

(5) Section 15.1 of the *Criminal Code* (Extended geographical jurisdiction—category A) applies to an offence under section 27 of the Act that relates to a contravention of subregulation (1), (3) or (4).

Note: Subregulation (5) has the effect that the offence has extraterritorial operation.

(6) An authorised supplyis a sanctioned supply that is authorised by:

(a) a permit under regulation 9; or

(b) for a supply, sale or transfer 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 accordance with the foreign country’s obligations under resolutions relating to Liberia, as existing from time to time.

Note: Resolutions relating to Liberia could in 2014 be viewed on the United Nations’ website (http://www.un.org).

(7) A defendant to a charge under section 27 of the Act that relates to subregulation (1), (3) or (4) bears an evidential burden in relation to the matter in subparagraph (6)(b)(i).

Note: See section 13.3 of the *Criminal Code*.

(8) For an offence under section 27 of the Act that relates to subregulation (1), (3) or (4), a permit is taken not to have been properly granted for subparagraph (6)(b)(ii) if the prosecution shows that the permit was granted on the basis of:

(a) false or misleading information provided by any person; or

(b) corrupt conduct by any person.

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

9 Permit to make a sanctioned supply

(1) A person may apply to the Minister for a permit to make a sanctioned supply.

(2) The Minister may grant the permit only if the sanctioned supply is one of the following:

(a) a supply to the Government of Liberia for which notice has been given to the Committee in accordance with subregulation (3);

(b) a supply intended solely for the support of, or use by, UNMIL;

(c) a supply of protective clothing temporarily exported to Liberia by any of the following, for their personal use only:

(i) a member of the personnel of the United Nations;

(ii) a representative of the media;

(iii) a humanitarian or development worker;

(iv) a person associated with a person mentioned in subparagraphs (i) to (iii);

(d) a supply of non‑lethal military equipment intended solely for humanitarian or protective use.

(3) For paragraph (2)(a), the notice must:

(a) be given at least 5 days in advance of the shipment of the goods; and

(b) contain all relevant information about the goods, in accordance with the following:

(i) resolutions relating to Liberia, as existing from time to time;

(ii) the Guidelines of the Committee for the Conduct of its Work, as in force from time to time.

Note: Resolutions relating to Liberia, and the Guidelines, could in 2014 be viewed on the United Nations’ website (http://www.un.org).

(4) The permit is subject to any conditions specified in the permit.

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

10 Prohibitions relating to a sanctioned service

(1) A person contravenes this subregulation if:

(a) the person provides a sanctioned service; and

(b) the sanctioned service is not an authorised service under subregulation (6).

(2) For an offence under section 27 of the Act that relates to a contravention of subregulation (1) by an individual, strict liability applies to the circumstance that the provision of the sanctioned service is not authorised by a permit under regulation 11.

(3) A person contravenes this subregulation if:

(a) the person (whether or not in Australia, and whether or not an Australian citizen) uses the services of an Australian ship or an Australian aircraft in the course of, or for the purpose of, providing a sanctioned service; and

(b) the sanctioned service is not an authorised service under subregulation (6).

(4) A body corporate contravenes this subregulation 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 under subregulation (6).

(5) Section 15.1 of the *Criminal Code* (Extended geographical jurisdiction—category A) applies to an offence under section 27 of the Act that relates to a contravention of subregulation (1), (3) or (4).

Note: Subregulation (5) has the effect that the offence has extraterritorial operation.

(6) An authorised serviceis a sanctioned service that is authorised by:

(a) a permit under regulation 11; or

(b) for a service 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 accordance with the foreign country’s obligations under resolutions relating to Liberia, as existing from time to time.

Note: Resolutions relating to Liberia could in 2014 be viewed on the United Nations’ website (http://www.un.org).

(7) A defendant to a charge under section 27 of the Act that relates to subregulation (1), (3) or (4) bears an evidential burden in relation to the matter in subparagraph (6)(b)(i).

Note: See section 13.3 of the *Criminal Code*.

(8) For an offence under section 27 of the Act that relates to subregulation (1), (3) or (4), a permit is taken not to have been properly granted for subparagraph (6)(b)(ii) if the prosecution shows that the permit was granted on the basis of:

(a) false or misleading information provided by any person; or

(b) corrupt conduct by any person.

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

11 Permit to provide a sanctioned service

(1) A person may apply to the Minister for a permit to provide a sanctioned service.

(2) The Minister may grant the permit only if the sanctioned service is one of the following:

(a) a service provided to the Government of Liberia for which notice has been given to the Committee in accordance with subregulation (3);

(b) a service consisting of technical training or assistance intended solely for the support of, or use by, UNMIL;

(c) a service consisting of training or technical assistance related to a supply of non‑lethal military equipment that is intended solely for humanitarian or protective use.

(3) For paragraph (2)(a), the notice must:

(a) be given at least 5 days in advance of the provision of the service; and

(b) contain all relevant information about the service, in accordance with the following:

(i) resolutions relating to Liberia, as existing from time to time;

(ii) the Guidelines of the Committee for the Conduct of its Work, as in force from time to time.

Note: Resolutions relating to Liberia, and the Guidelines, could in 2014 be viewed on the United Nations’ website (http://www.un.org).

(4) The permit is subject to any conditions specified in the permit.

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

12 Prohibition relating to dealings with designated person or entity

(1) A person contravenes this subregulation if:

(a) the person directly or indirectly makes an asset available to, or for the benefit of, a designated person or entity; and

(b) the making available of the asset is not authorised by a permit under regulation 14.

(2) For an offence under section 27 of the Act that relates to a contravention of subregulation (1) by an individual, strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under regulation 14.

(3) Section 15.1 of the *Criminal Code* (Extended geographical jurisdiction—category A) applies to an offence under section 27 of the Act that relates to a contravention of subregulation (1).

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

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

13 Prohibition relating to sanctions controlled assets

(1) A person contravenes this subregulation 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 14.

(2) For an offence under section 27 of the Act that relates to a contravention of subregulation (1) by an individual, strict liability applies to the circumstance that the use or dealing is not authorised by a permit under regulation 14.

(3) Section 15.1 of the *Criminal Code* (Extended geographical jurisdiction—category A) applies to an offence under section 27 of the Act that relates to a contravention of subregulation (1).

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

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

14 Permit for assets or controlled assets

(1) A person may apply to the Minister for a permit authorising:

(a) the making available of an asset that would otherwise contravene subregulation 12(1); or

(b) a use of, or dealing with, a controlled asset that would otherwise contravene subregulation 13(1).

(2) The application must be for one of the following:

(a) a basic expense dealing;

(b) a legally required dealing;

(c) a contractual dealing;

(d) an extraordinary expense dealing.

Note: For the definitions of ***basic expense dealing****,* ***legally required dealing****,* ***contractual dealing*** and ***extraordinary expense dealing***, see regulation 5 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.

(3) The application must state which kind of dealing the application is for.

(4) If the application is for a basic expense dealing, the Minister:

(a) must give the Committee notice of the application; and

(b) may grant the permit only if the Committee does not make a negative decision in relation to the application within 2 working days after the notice is given.

(5) If the application is for a legally required dealing, the Minister may grant the permit only after giving the Committee notice of the application.

(6) If the application is for a contractual dealing, the Minister may grant the permit.

(7) If the application is for an extraordinary expense dealing, the Minister:

(a) must give the Committee notice of the application; and

(b) may grant the permit only with the Committee’s approval.

(8) The permit is subject to any conditions specified in the permit.

Note 1: Section 13A of the Act applies to a permit granted by the Minister under this regulation.

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

Part 3—Miscellaneous

15 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 details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Endnote 5—Uncommenced amendments

Endnote 6—Modifications

Endnote 7—Misdescribed amendments

Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

**Abbreviation key—Endnote 2**

The abbreviation key in this endnote 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 the compiled law. The information includes commencement information for amending laws and details of 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 level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

**Uncommenced amendments—Endnote 5**

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in endnote 5.

**Modifications—Endnote 6**

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

**Misdescribed amendments—Endnote 7**

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

**Miscellaneous—Endnote 8**

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | pres = present |
| am = amended | prev = previous |
| c = clause(s) | (prev) = previously |
| Ch = Chapter(s) | Pt = Part(s) |
| def = definition(s) | r = regulation(s)/rule(s) |
| Dict = Dictionary | Reg = Regulation/Regulations |
| disallowed = disallowed by Parliament | reloc = relocated |
| Div = Division(s) | renum = renumbered |
| exp = expired or ceased to have effect | rep = repealed |
| hdg = heading(s) | rs = repealed and substituted |
| LI = Legislative Instrument | s = section(s) |
| LIA = *Legislative Instruments Act 2003* | Sch = Schedule(s) |
| mod = modified/modification | Sdiv = Subdivision(s) |
| No = Number(s) | SLI = Select Legislative Instrument |
| o = order(s) | SR = Statutory Rules |
| Ord = Ordinance | Sub‑Ch = Sub‑Chapter(s) |
| orig = original | SubPt = Subpart(s) |
| par = paragraph(s)/subparagraph(s) /sub‑subparagraph(s) |  |

Endnote 3—Legislation history

| Number and year | FRLI registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| 2008 No 47 | 11 Apr 2008 (F2008L01040) | 12 Apr 2008 |  |
| 2010 No 31 | 26 Feb 2010 (F2010L00551) | 27 Feb 2010 | — |
| 2011 No 65 | 17 May 2011 (F2011L00788) | 18 May 2011 | — |
| 123, 2014 | 26 Aug 2014 (F2014L01131) | Sch 1 (items 30–47): 27 Aug 2014 (s 2) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| **Pt 1** |  |
| r 3 | rep No 123, 2014 |
| r 4 | am 2010 No. 31; No 123, 2014 |
| Note to r 4 | rs No 123, 2014 |
| r 5 | rs No 123, 2014 |
| r 6 | rs No 123, 2014 |
| r. 7 | am 2010 No. 31 |
|  | rs No 123, 2014 |
| **Pt 2** |  |
| r 8 | am 2010 No. 31 |
|  | rs No 123, 2014 |
| r 9 | am 2010 No. 31 |
|  | rs No 123, 2014 |
| r 10 | am 2010 No. 31 |
|  | rs No 123, 2014 |
| r 11 | am 2010 No. 31 |
|  | rs No 123, 2014 |
| r 12 | am No 123, 2014 |
| r 13 | am No 123, 2014 |
| r 14 | rs No 123, 2014 |
| **Pt 3** |  |
| Pt 3 | ad 2011 No. 65 |
| r 15 | ad 2011 No. 65 |

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]