



Charter of the United Nations (Sanctions — Somalia) Amendment Regulations 2010 (No. 1)¹

Select Legislative Instrument 2010 No. 199

I, QUENTIN BRYCE, Governor-General 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 8 July 2010

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

STEPHEN SMITH
Minister for Foreign Affairs

1 Name of Regulations

These Regulations are the *Charter of the United Nations (Sanctions — Somalia) Amendment Regulations 2010 (No. 1)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Charter of the United Nations (Sanctions — Somalia) Regulations 2008*

Schedule 1 amends the *Charter of the United Nations (Sanctions — Somalia) Regulations 2008*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 4, after definition of *Resolution 1851*

insert

Resolution 1916 means Resolution 1916 (2010) of the Security Council of the United Nations, adopted on 19 March 2010.

[2] Paragraph 13 (1) (b)

substitute

(b) the making available of the asset:

(i) is not authorised by a permit under regulation 15; or

-
- (ii) does not occur in a circumstance to which paragraph 5 of Resolution 1916 applies.

Note Paragraph 5 of Resolution 1916 describes the circumstances as follows:

‘the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, or their implementing partners’.

[3] After subregulation 13 (1)

insert

- (1A) For the purpose of determining whether paragraph 5 of Resolution 1916 applies to a circumstance, regard may be had to:
- (a) advice; or
 - (b) an opinion; or
 - (c) a recommendation;
- given or made by the Committee.

[4] Paragraph 14 (1) (c)

substitute

- (c) the use or dealing:
- (i) is not authorised by a permit under regulation 15; or
 - (ii) does not occur in a circumstance to which paragraph 5 of Resolution 1916 applies.

Note Paragraph 5 of Resolution 1916 describes the circumstances as follows:

‘the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, or their implementing partners’.

[5] After subregulation 14 (1)

insert

- (1A) For the purpose of determining whether paragraph 5 of Resolution 1916 applies to a circumstance, regard may be had to:
- (a) advice; or
 - (b) an opinion; or
 - (c) a recommendation;
given or made by the Committee.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.