



Charter of the United Nations (Sanctions—Democratic People’s Republic of Korea) Amendment Regulation 2013 (No. 1)

Select Legislative Instrument No. 173, 2013

I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Charter of the United Nations Act 1945*.

Dated 11 July 2013

Quentin Bryce
Governor-General

By Her Excellency’s Command

Bob Carr
Minister for Foreign Affairs

OPC60008 - A

Contents

1	Name of regulation	1
2	Commencement	1
3	Authority	1
4	Schedule(s)	1
Schedule 1—Amendments		2
	<i>Charter of the United Nations (Sanctions—Democratic People’s Republic of Korea) Regulation 2008</i>	2

No. 173, 2013 *Charter of the United Nations (Sanctions—Democratic People’s
Republic of Korea) Amendment Regulation 2013 (No. 1)* *i*

OPC60008 - A

1 Name of regulation

This regulation is the *Charter of the United Nations (Sanctions—Democratic People’s Republic of Korea) Amendment Regulation 2013 (No. 1)*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Charter of the United Nations Act 1945*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

No. 173, 2013

Charter of the United Nations (Sanctions—Democratic People’s Republic of Korea) Amendment Regulation 2013 (No. 1)

1

OPC60008 - A

Schedule 1—Amendments

Charter of the United Nations (Sanctions—Democratic People’s Republic of Korea) Regulation 2008

1 Regulation 6

Before “A”, insert “(1)”.

2 At the end of regulation 6

Add:

- (2) A person also makes a *sanctioned supply* if the person transfers any financial or other assets or resources, including bulk cash, that could contribute to:
 - (a) the nuclear or ballistic missile programs of the Democratic People’s Republic of Korea; or
 - (b) another activity that is an offence under these regulations.

3 Regulation 8

Before “For”, insert “(1)”.

4 At the end of regulation 8

Add:

- ; (e) brokering or other intermediary services, including when arranging for the provision, maintenance or use of export sanctioned goods;
- (f) the provision of financial services that could contribute to:
 - (i) the nuclear or ballistic missile programs of the Democratic People’s Republic of Korea; or
 - (ii) another activity that is an offence under these regulations.

- (2) In this regulation:

brokering services means:

- (a) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of

financial and technical services, including from a third country to any other third country; or

- (b) the selling or buying of goods and technology or of financial and technical services, including where they are located in third countries for their transfer to another third country.

financial services includes the following:

- (a) the acceptance of deposits and other repayable funds from the public;
- (b) the lending of money;
- (c) financial leasing, other than the financial leasing of a consumer product;
- (d) the transfer of money or value, other than the provision of message or other support for the purpose of transmitting money;
- (e) the giving of financial guarantees and commitments;
- (f) trading in money market instruments;
- (g) trading foreign exchange;
- (h) trading in exchange instruments;
- (i) trading in interest rate instruments;
- (j) trading in interest index instruments;
- (k) trading in transferable securities;
- (l) trading in commodity futures;
- (m) participation in the issue of securities and the provision of financial services in relation to the issue of securities;
- (n) the management of individual or collective portfolios;
- (o) the safekeeping and administration of cash or liquid securities;
- (p) the investment, administration or management of funds or money;
- (q) the underwriting and placement of life insurance and other insurance that is related to investments;
- (r) money changing and other currency changing;
- (s) the issue and management of means of payment.

Note: Examples of means of payment for paragraph (s) are:

- (a) credit and debit cards; or
- (b) cheques; or

- (c) travellers' cheques; or
- (d) money orders; or
- (e) bankers' drafts; or
- (f) electronic money.

insurance means an undertaking or commitment under which a person is obliged, in return for a payment, to provide a person, in the event of materialisation of a risk, with an indemnity or a benefit as determined by the undertaking or commitment.

5 Subparagraph 12(2)(a)(ii)

Repeal the subparagraph, substitute:

- (ii) a person or entity acting on behalf of or at the direction of a designated person or entity; or
- (iii) an entity that is owned or controlled, including through illicit means, by a person or entity acting on behalf of or at the direction of a designated person or entity; and