



# **Charter of the United Nations Legislation Amendment (Central African Republic and Yemen) Regulation 2014**

## **Select Legislative Instrument No. 48, 2014**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),  
Governor-General of the Commonwealth of Australia, acting with the  
advice of the Federal Executive Council, make the following regulation.

Dated 15 May 2014

Peter Cosgrove  
Governor-General

By His Excellency's Command

Julie Bishop  
Minister for Foreign Affairs

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*OPC60507 - A*



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## **1 Name of regulation**

This regulation is the *Charter of the United Nations Legislation Amendment (Central African Republic and Yemen) Regulation 2014*.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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## Schedule 1—Amendments

### *Charter of the United Nations (Dealing with Assets) Regulations 2008*

#### **1 Regulation 4 (after paragraph (a) of the definition of Sanctions Regulations)**

Insert:

(aa) the *Charter of the United Nations (Sanctions—Central African Republic) Regulation 2014*;

#### **2 Regulation 4 (after paragraph (m) of the definition of Sanctions Regulations)**

Insert:

(ma) the *Charter of the United Nations (Sanctions—Yemen) Regulation 2014*;

### *Charter of the United Nations (Sanctions—Central African Republic) Regulation 2014*

#### **3 Section 4**

Insert:

***controlled asset*** means:

- (a) an asset of a designated person or entity; or
- (b) funds derived from an asset owned or controlled, directly or indirectly, by:
  - (i) a designated person or entity; or
  - (ii) a person acting on behalf of, or at the direction of, a designated person or entity.

***designated person or entity*** means a person or entity designated by the Committee for paragraph 32 of Resolution 2134.

***EUFOR RCA*** means the European Union operation in the Central African Republic.

***MINUSCA*** means the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic.

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**Resolution 2134** means Resolution 2134 (2014) of the Security Council, adopted on 28 January 2014.

#### **4 Before section 8**

Insert:

### **Division 1—Sanctioned supply and sanctioned services to Central African Republic**

#### **5 After subparagraph 9(2)(a)(v)**

Insert:

- (vi) MINUSCA;
- (vii) EUFOR RCA;

#### **6 At the end of Part 2**

Add:

### **Division 2—Sanctions relating to designated persons or entities**

#### **11A Prohibition relating to dealings with designated persons or entities**

- (1) A person contravenes this section 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 section 11C.
- (2) For an offence under section 27 of the Act that relates to a contravention of subsection (1), strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under section 11C.
- (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 subsection (1).

Note: For strict liability, see section 6.1 of the *Criminal Code*.

Note 1: This has the effect that the offence has extraterritorial operation.

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

### 11B Prohibition relating to controlled assets

- (1) A person contravenes this section 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 the asset or dealing with the asset; and
  - (c) the use or dealing is not authorised by a permit under section 11C.
- (2) For an offence under section 27 of the Act that relates to a contravention of subsection (1), strict liability applies to the circumstance that the use of, or dealing with, the asset is not authorised by a permit under section 11C.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (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 subsection (1).

Note 1: This has the effect that the offence has extraterritorial operation.

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

### 11C 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 subsection 11A(1); or
  - (b) a use of, or dealing with, a controlled asset that would otherwise contravene subsection 11B(1).

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



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- (2) The application must be for a basic expense dealing, legally required dealing, contractual dealing, required payment dealing or extraordinary expense dealing as defined in regulation 5 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.
  - (3) The application must specify which kind of dealing mentioned in subsection (2) the application is for.
  - (4) 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 business days have passed since the notice was given, and the Committee has not advised against granting a permit to the applicant.
  - (5) If the application is for a legally required dealing, the Minister must notify the Committee of the application.
  - (6) If the application is for a required payment dealing, the Minister:
    - (a) must notify the Committee of the application; and
    - (b) may grant a permit only if 10 business days have passed since the notice was given.
  - (7) 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.
  - (8) The permit is subject to any conditions specified in the permit.

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