



Charter of the United Nations Legislation Amendment (Sanctions— 2014 Measures No. 1) Regulation 2014

Select Legislative Instrument No. 123, 2014

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 21 August 2014

Peter Cosgrove
Governor-General

By His Excellency's Command

Julie Bishop
Minister for Foreign Affairs

OPC60513 - B

OPC60513 - B

Contents

1	Name of regulation	1
2	Commencement	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>Charter of the United Nations (Sanctions—Côte d’Ivoire) Regulations 2008</i>	2
	<i>Charter of the United Nations (Sanctions—Democratic Republic of the Congo) Regulations 2008</i>	9
	<i>Charter of the United Nations (Sanctions—Liberia) Regulations 2008</i>	18
	<i>Charter of the United Nations (Sanctions—Libyan Arab Jamahiriya) Regulations 2011</i>	28
	<i>Charter of the United Nations (Sanctions—Somalia) Regulations 2008</i>	41

No. 123, 2014	<i>Charter of the United Nations Legislation Amendment (Sanctions—2014 Measures No. 1) Regulation 2014</i>	<i>i</i>
OPC60513 - B		

1 Name of regulation

This regulation is the *Charter of the United Nations Legislation Amendment (Sanctions—2014 Measures No. 1) 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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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. 123, 2014 *Charter of the United Nations Legislation Amendment (Sanctions—
2014 Measures No. 1) Regulation 2014* 1
OPC60513 - B

Schedule 1—Amendments

Charter of the United Nations (Sanctions—Côte d’Ivoire) Regulations 2008

1 Regulation 3

Repeal the regulation.

2 Regulation 4

Insert:

arms or related lethal matériel includes the following:

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

3 Regulation 4 (definition of *arms or related matériel*)

Repeal the definition.

4 Regulation 4 (definition of *controlled asset*)

Repeal the definition, substitute:

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

5 Regulation 4 (definition of *designated person or entity*)

Repeal the definition, substitute:

designated person or entity means a person or entity that:

- (a) the Committee designates for paragraph 9 or 11 of Resolution 1572; or
- (b) the Security Council decides is subject to the asset freeze measures relating to Côte d’Ivoire.

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>).

6 Regulation 4

Repeal the following definitions:

- (a) definition of *import sanctioned goods*;
- (b) definition of *Linas-Marcoussis Agreement*;
- (c) definition of *paramilitary equipment*;
- (d) definition of *protective clothing*;
- (e) definition of *Resolution 1643*;
- (f) definition of *Resolution 1893*;
- (g) definition of *Resolution 2045*;
- (h) definition of *Resolution 2101*.

7 Regulation 4

Insert:

resolution means a resolution adopted by the Security Council.

Resolution 2153 means Resolution 2153 (2014) of the Security Council, adopted on 29 April 2014.

8 Regulation 4 (definition of *sanctioned supply*)

Omit “given in”, substitute “given by”.

9 Regulation 4 (definition of *Security Council*)

Repeal the definition.

10 Regulation 4 (definition of *UNOCI*)

Omit “Operations”, substitute “Operation”.

11 Regulation 4 (note)

Repeal the note, substitute:

- Note: The following expressions used in these Regulations are defined in the Act:
- (a) asset;
 - (b) UN sanction enforcement law.

12 Regulations 5 to 16

Repeal the regulations, substitute:

5 Definition of *export sanctioned goods*

Export sanctioned goods means arms or related lethal matériel.

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 Côte d'Ivoire.

9 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 10.
- (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 supply is a sanctioned supply that is authorised by:
- (a) a permit under regulation 10; 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 Côte d'Ivoire, as existing from time to time.

Note: Resolutions relating to Côte d'Ivoire 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*.

10 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 intended solely for the support of, or use by, UNOCI or the French forces that support UNOCI;
 - (b) a supply:
 - (i) transiting through Côte d'Ivoire; and
 - (ii) intended for the support of, or to be used by, United Nations Peacekeeping operations;
 - (c) a supply:
 - (i) temporarily exported to Côte d'Ivoire to the forces of a State that is taking action, in accordance with international law, solely and directly to facilitate the evacuation of its nationals and those for whom it has consular responsibility in Côte d'Ivoire; and
 - (ii) for which advance notice is given to the Committee;
 - (d) a supply to the Ivoirian security forces intended solely for the support of, or use in, the Ivoirian process of security sector reform:
 - (i) for which advance notice is given to the Committee; or
 - (ii) for goods on the list set out in the Annex to Resolution 2153, as that list is in force from time to time in accordance with decisions of the Committee under paragraph 5 of Resolution 2153—that is the subject of a successful request for advance approval to the Committee.
- (3) A notice or request for advance approval to the Committee mentioned in subregulation (2) must include all relevant information about the supply, in accordance with the following:
- (a) resolutions relating to Côte d'Ivoire, as existing from time to time;
 - (b) the Guidelines of the Committee for the Conduct of its Work, as in force from time to time.
- Note: Resolutions relating to Côte d'Ivoire, 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.

14 Prohibitions relating to dealings with designated persons or entities

- (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 16.
- (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 16.
- (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*.

15 Prohibitions relating to controlled assets

- (1) 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 16.
- (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 16.
- (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*.

16 Permit for assets and 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 14(1); or
 - (b) a use of, or dealing with, a controlled asset that would otherwise contravene subregulation 15(1).
- (2) The application must be for one of the following:
- (a) a basic expense dealing;
 - (b) a legally required dealing;
 - (c) an extraordinary expense dealing.
- Note: For the definitions of *basic expense dealing*, *legally required 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 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.
- (7) 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.

Charter of the United Nations (Sanctions—Democratic Republic of the Congo) Regulations 2008

13 Regulation 3

Repeal the regulation.

14 Regulation 4 (definition of *arms or related matériel*)

Repeal the definition, substitute:

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).

15 Regulation 4 (definition of *controlled asset*)

Repeal the definition, substitute:

controlled asset means an asset that is owned or controlled, directly or indirectly, 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.

16 Regulation 4 (definition of *designated person or entity*)

Repeal the definition, substitute:

designated person or entity means a person or entity that:

- (a) the Committee designates for paragraph 11 of Resolution 1807; or
- (b) the Security Council decides is subject to the asset freeze measures relating to the Democratic Republic of the Congo.

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>).

17 Regulation 4 (paragraphs (e) and (f) of the definition of *paramilitary equipment*)

Repeal the paragraphs, substitute:
(e) whips.

18 Regulation 4

Insert:

resolution means a resolution adopted by the Security Council.

19 Regulation 4 (definitions of *Resolution 1596* and *Resolution 1771*)

Repeal the definitions.

20 Regulation 4 (definition of *sanctioned service*)

Omit “regulation 7”, substitute “regulation 6”.

21 Regulation 4 (definition of *sanctioned supply*)

Omit “regulation 6”, substitute “regulation 7”.

22 Regulation 4 (definition of *Security Council*)

Repeal the definition.

23 Regulation 4 (note)

Repeal the note, substitute:

Note: The following expressions used in these Regulations are defined in the Act:
(a) asset;
(b) UN sanction enforcement law.

24 Regulations 5 to 11

Repeal the regulations, substitute:

5 Definition of *export sanctioned goods*

Export sanctioned goods means arms or related matériel.

6 Definition of *sanctioned service*

Sanctioned service means the provision, to any person in the Democratic Republic of the Congo, of any of the following, in relation to military activities:

- (a) assistance, including financing and financial assistance;
- (b) 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 the Democratic Republic of the Congo.

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 supply is 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 the Democratic Republic of the Congo, as existing from time to time.

Note: Resolutions relating to the Democratic Republic of the Congo 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 supply is one of the following:
 - (a) a supply:
 - (i) made to the Government of the Democratic Republic of the Congo; and
 - (ii) for which the Minister has given the Committee advance notice in accordance with subregulation (3);
 - (b) a supply intended solely for the support of, or use by, MONUC;
 - (c) a supply of protective clothing temporarily exported to the Democratic Republic of the Congo 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:
 - (i) intended solely for humanitarian or protective use; and
 - (ii) for which the Minister has given the Committee advance notice in accordance with subregulation (3);
 - (e) a supply intended solely for the support of, or use by, the African Union-Regional Task Force.
- (3) For subparagraphs (2)(a)(ii) and (d)(ii), the notice must contain all relevant information about the supply, in accordance with the following:
 - (a) resolutions relating to the Democratic Republic of the Congo, as existing from time to time;
 - (b) the Guidelines of the Committee for the Conduct of its Work, as in force from time to time.

Note: Resolutions relating to the Democratic Republic of the Congo, 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.

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- (6) An authorised service is 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 the Democratic Republic of the Congo, as existing from time to time.

Note: Resolutions relating to the Democratic Republic of the Congo 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:
 - (i) provided to the Government of the Democratic Republic of the Congo; and
 - (ii) for which the Minister has given the Committee advance notice in accordance with subregulation (3);
 - (b) a service consisting of technical training and assistance intended solely for the support of, or use by, MONUC;

- (c) a service:
 - (i) consisting of technical assistance and training related to non-lethal military equipment intended solely for humanitarian or protective use; and
 - (ii) for which the Minister has given the Committee advance notice in accordance with subregulation (3);
 - (d) a service intended solely for the support of, or use by, the African Union-Regional Task Force.
- (3) For subparagraphs (2)(a)(ii) and (c)(ii), the notice must contain all relevant information about the service, in accordance with the following:
- (a) resolutions relating to the Democratic Republic of the Congo, as existing from time to time;
 - (b) the Guidelines of the Committee for the Conduct of its Work, as in force from time to time.
- Note: Resolutions relating to the Democratic Republic of the Congo, 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.

25 Subregulation 12(1)

Omit "regulation", substitute "subregulation".

26 Subregulation 12(2) (including the notes)

Repeal the subregulation, substitute:

- (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*.

27 Subregulation 13(1)

Omit “regulation”, substitute “subregulation”.

28 Subregulation 13(2) (including the notes)

Repeal the subregulation, substitute:

- (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*.

29 Regulation 14

Repeal the regulation, substitute:

14 Permit for assets and 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) an extraordinary expense dealing.

Note: For the definitions of *basic expense dealing*, *legally required 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 4 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 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.
- (7) 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.

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

30 Regulation 3

Repeal the regulation.

31 Regulation 4 (definition of *arms or related matériel*)

Repeal the definition, substitute:

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).

32 Regulation 4 (definition of *controlled asset*)

Omit “controlled”, substitute “controlled, directly or indirectly”.

33 Regulation 4 (definition of *designated person or entity*)

Repeal the definition, substitute:

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>).

34 Regulation 4 (paragraphs (e) and (f) of the definition of *paramilitary equipment*)

Repeal the paragraphs, substitute:

- (e) whips.

35 Regulation 4

Insert:

resolution means a resolution adopted by the Security Council.

36 Regulation 4 (definition of *Resolution 1903*)

Repeal the definition.

37 Regulation 4 (definition of *Security Council*)

Repeal the definition.

38 Regulation 4 (definition of *sanctioned service*)

Repeal the definition, substitute:

sanctioned service has the meaning given by regulation 6.

39 Regulation 4 (definition of *sanctioned supply*)

Repeal the definition, substitute:

sanctioned supply has the meaning given by regulation 7.

40 Regulation 4 (note)

Repeal the note, substitute:

- Note: The following expressions used in these Regulations are defined in the Act:
- (a) asset;
 - (b) UN sanction enforcement law.

41 Regulations 5 to 11

Repeal the regulations, substitute:

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.

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 supply is 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);

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

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

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

42 Subregulation 12(1)

Omit "regulation", substitute "subregulation".

43 Subregulation 12(2) (including the notes)

Repeal the subregulation, substitute:

- (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*.

44 Subregulation 13(1)

Omit “regulation”, substitute “subregulation”.

45 Paragraph 13(1)(c)

After “dealing”, insert “is”.

46 Subregulation 13(2) (including the notes)

Repeal the subregulation, substitute:

- (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*.

47 Regulation 14

Repeal the regulation, substitute:

14 Permit for assets or controlled assets

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

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- (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.

***Charter of the United Nations (Sanctions—Libyan Arab
Jamahiriya) Regulations 2011***

48 Regulation 1

Omit “*Libyan Arab Jamahiriya*”, substitute “*Libya*”.

49 Regulation 3 (definition of *arms or related matériel*)

Repeal the definition, substitute:

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).

50 Regulation 3

Insert:

bunkering service, for a vessel, includes:

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

51 Regulation 3 (definition of *CASA*)

Omit “subsection 3(1) of the *Air Navigation Act 1920*”, substitute “section 3 of the *Civil Aviation Act 1988*”.

52 Regulation 3 (definition of *controlled asset*)

Repeal the definition, substitute:

controlled asset means an asset that is owned or controlled, directly or indirectly, 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.

53 Regulation 3 (definition of *designated person or entity*)

Repeal the definition, substitute:

designated person or entity means a person or entity that:

- (a) the Committee designates for paragraph 17 of Resolution 1970 or paragraph 19 of Resolution 1973; or
- (b) the Security Council has decided is subject to the asset freeze measures relating to Libya.

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>).

54 Regulation 3

Insert:

designated vessel means a vessel designated by the Committee in accordance with paragraph 11 of Resolution 2146.

55 Regulation 3 (definition of *Libyan Arab Jamahiriya entity*)

Repeal the definition.

56 Regulation 3 (paragraphs (e) and (f) of the definition of *paramilitary equipment*)

Repeal the paragraphs, substitute:

- (e) whips.

57 Regulation 3

Insert:

protective clothing includes flak jackets and military helmets.

58 Regulation 3 (definitions of *Resolution 1970, Resolution 1973 and Resolution 2009*)

Omit "of the United Nations".

59 Regulation 3 (definition of *Resolution 2095*)

Repeal the definition.

60 Regulation 3

Insert:

Resolution 2146 means Resolution 2146 (2014) of the Security Council, adopted on 19 March 2014.

61 Regulation 3 (definition of *sanctioned service*)

Omit “in regulation 5”, substitute “by regulation 4”.

62 Regulation 3 (definition of *sanctioned supply*)

Omit “in regulation 4”, substitute “by regulation 5”.

63 Regulations 4 to 13

Repeal the regulations, substitute:

4 Definition of *sanctioned service*

A *sanctioned service* means any of the following:

- (a) technical, financial or other assistance, or training, related to:
 - (i) military activities; or
 - (ii) the provision, maintenance or use of export sanctioned goods; or
 - (iii) the provision of armed mercenary personnel (whether or not originating in Australia);
- (b) a financial transaction with respect to crude oil illicitly exported from Libya aboard a designated vessel;
- (c) a bunkering service for a designated vessel.

5 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 Libya.

6 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).

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- (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 7.
- (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 supply is a sanctioned supply that is authorised by:
- (a) a permit under regulation 7; 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 Libya, as existing from time to time.

Note: Resolutions relating to Libya 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*.

7 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 supply is one of the following:
 - (a) a supply of non-lethal military equipment intended solely for humanitarian or protective use;
 - (b) a supply of protective clothing temporarily exported to Libya 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);
 - (c) a supply of small arms, light weapons or related matériel temporarily exported to Libya for the sole use of a person mentioned in paragraph (b):
 - (i) for which advance notice is given to the Committee; and
 - (ii) in relation to which the Committee does not make a negative decision within 5 working days after the notice is given;

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- (d) a supply of non-lethal military equipment intended solely for security or disarmament assistance to the Libyan government;
 - (e) a supply, other than a supply mentioned in paragraph (d), intended solely for security or disarmament assistance to the Libyan government:
 - (i) for which advance notice is given to the Committee; and
 - (ii) in relation to which the Committee does not make a negative decision within 5 working days after the notice is given;
 - (f) a supply:
 - (i) other than a supply mentioned in paragraphs (a) to (e); and
 - (ii) approved in advance by the Committee.
- (3) 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.

8 Prohibitions relating to import sanctioned goods

- (1) A person contravenes this subregulation if the person procures import sanctioned goods from:
 - (a) Libya; or
 - (b) a person or entity in Libya.
- (2) A person contravenes this subregulation if 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 import sanctioned goods in the course of, or for the purpose of procuring import sanctioned goods from:
 - (a) Libya; or
 - (b) a person or entity in Libya.
- (3) 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 procures import sanctioned goods from:
 - (i) Libya; or

(ii) a person or entity in Libya.

- (4) 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), (2) or (3).

Note 1: Subregulation (4) 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*.

9 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 10.
- (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 an entity, wherever incorporated or situated; and
 - (b) the other body corporate or the entity provides a sanctioned service; and
 - (c) the sanctioned service is not an authorised service under subregulation (6).

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- (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 service is a sanctioned service that is authorised by:
- (a) a permit under regulation 10; 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 Libya, as existing from time to time.

Note: Resolutions relating to Libya 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*.

10 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 consisting of technical assistance or training related to a supply of non-lethal military equipment intended solely for humanitarian or protective use;
 - (b) a service consisting of technical assistance, training or financial assistance intended solely for security or disarmament assistance to the Libyan government;
 - (c) a bunkering service for a designated vessel:
 - (i) that is necessary for humanitarian purposes, or provided in relation to the return of the designated vessel to Libya; and
 - (ii) for which the Minister has given advance notice to the Committee;
 - (d) a service not mentioned in paragraphs (a) to (c):
 - (i) consisting of assistance or the provision of personnel; and
 - (ii) approved in advance by the Committee.
- (3) The permit is subject to any conditions specified in the permit.

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

11 Prohibitions relating to dealings with designated persons or entities

- (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 12C.
- (2) Subregulation (1) does not apply to the making available of an asset to, or for the benefit of:
- (a) the Libyan Investment Authority; or
 - (b) the Libyan Africa Investment Portfolio.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

- (3) 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 12C.

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- (4) 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 (4) 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*.

12 Prohibitions relating to 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 controlled asset; or
 - (ii) allows the controlled asset to be used or dealt with; or
 - (iii) facilitates the use of, or the dealing with, the controlled asset; and
 - (c) the use or dealing is not authorised by a permit under regulation 12C or 13A.

- (2) Subregulation (1) does not apply in relation to a controlled asset that:

- (a) is owned or controlled by:
 - (i) the Libyan Investment Authority; or
 - (ii) the Libyan Africa Investment Portfolio; and
- (b) was not outside Libya and frozen on 16 September 2011.

Note: A defendant bears an evidential burden in relation to the matter in subregulation (2): see subsection 13.3(3) of the *Criminal Code*.

- (3) 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 of, or dealing with, the asset is not authorised by a permit under regulation 12C or 13A.
- (4) 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 (4) 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*.

12A Permit for assets and controlled assets—application—general

- (1) A person may apply to the Minister for a permit authorising:
 - (a) the making available of an asset that would otherwise contravene subregulation 11(1); or
 - (b) a use of, or dealing with, a controlled asset that would otherwise contravene subregulation 12(1).
- (2) An application mentioned in paragraph (1)(a) must be made in accordance with regulation 12B.
- (3) An application mentioned in paragraph (1)(b) in relation to a controlled asset mentioned in subregulation (5) must be made in accordance with regulation 12B or 13.
- (4) An application mentioned in paragraph (1)(b) in relation to a controlled asset other than a controlled asset mentioned in subregulation (5) must be made in accordance with regulation 12B.
- (5) For subregulations (3) and (4), the controlled asset is an asset that:
 - (a) is owned or controlled by:
 - (i) the Libyan Investment Authority; or
 - (ii) the Libyan Africa Investment Portfolio; and
 - (b) was outside Libya and frozen on 16 September 2011.

12B Permit for assets and controlled assets—application—permissible dealings

- (1) An application under this regulation must be for one of the following:
 - (a) a basic expense dealing;
 - (b) a legally required dealing;
 - (c) a contractual dealing;
 - (d) a required payment dealing;
 - (e) an extraordinary expense dealing.

Note: For the definitions of *basic expense dealing*, *legally required dealing*, *contractual dealing*, *required payment dealing* and *extraordinary*

expense dealing, see regulation 5 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.

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

12C Permit for assets and controlled assets—grant—permissible dealings

- (1) This regulation applies if a person has made an application under regulation 12B.
- (2) 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 advise against granting the permit within 5 working days after the notice is given.
- (3) If the application is for a legally required dealing, the Minister may grant the permit only after giving the Committee notice of the application.
- (4) If the application is for a contractual dealing, the Minister may grant the permit.
- (5) If the application is for a required payment dealing, the Minister may grant the permit only after giving the Committee notice at least 10 working days in advance.
- (6) If the application is for an extraordinary expense dealing, the Minister may grant the permit only if the Committee approves the application.
- (7) The permit is subject to any conditions specified in the permit.

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

13 Permit for assets and controlled assets—application—permissible purposes

- (1) An application under this regulation must be for a use of or dealing with the controlled asset for one or more of the following purposes:
 - (a) addressing humanitarian needs;
 - (b) fuel, electricity or water for civilian use;

- (c) resuming Libyan production or sale of hydrocarbons;
 - (d) establishing, operating or strengthening institutions of civilian government or civilian public infrastructure;
 - (e) facilitating the resumption of banking sector operations, including to support or facilitate international trade with Libya.
- (2) The application must state which purpose or purposes the application is for.

13A Permit for assets and controlled assets—grant—permissible purposes

- (1) This regulation applies if a person has made an application under regulation 13.
- (2) The Minister may grant the permit only if:
- (a) the Minister:
 - (i) is satisfied that the use or dealing is for the purpose or purposes stated in the application; and
 - (ii) has consulted in advance with the Libyan government about the application; and
 - (iii) has given the Committee and the Libyan government notice of the application; and
 - (iv) has given the Committee notice that the controlled asset will not be made available to, or for the benefit of, a designated person; and
 - (b) the Committee has not made a negative decision in relation to the application within 5 working days after the notice mentioned in subparagraph (a)(iii) is given; and
 - (c) the Libyan government has not objected to the proposed use or dealing within 5 working days after the notice mentioned in subparagraph (a)(iii) is given.
- (3) The permit is subject to any conditions specified in the permit.

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

64 Regulation 13B

Omit “of the Security Council”, wherever occurring.

65 Subregulations 13D(1) and (2)

Repeal the subregulations, substitute:

- (1) This regulation applies to:
 - (a) the Libyan government; and
 - (b) the following persons and entities:
 - (i) a Libyan national or a person or entity subject to Libyan jurisdiction;
 - (ii) a designated person or entity;
 - (iii) a person or entity able to claim through, or for the benefit of, the Libyan government or a person or entity mentioned in subparagraph (i) or (ii).
- (2) The Libyan government, or the person or entity, must not make a claim or demand, or take any action, against any other person or entity for breach of contract or a failure to perform a transaction if the performance of the contract or transaction was prevented:
 - (a) under these Regulations; or
 - (b) because of resolutions relating to Libya, as existing from time to time.

Note: Resolutions relating to Libya could in 2014 be viewed on the United Nations' website (<http://www.un.org>).

***Charter of the United Nations (Sanctions—Somalia)
Regulations 2008*****66 Regulation 3**

Repeal the regulation.

67 Regulation 4

Insert:

AMISOM means the African Union Mission in Somalia.

68 Regulation 4 (definition of *controlled asset*)

Repeal the definition, substitute:

controlled asset means an asset owned or controlled, directly or indirectly, 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.

69 Regulation 4 (definition of *designated person or entity*)

Repeal the definition, substitute:

designated person or entity means a person or entity that:

- (a) the Committee designates for paragraph 3 of Resolution 1844; or
(b) the Security Council decides is subject to the asset freeze measures relating to Somalia.

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>).

70 Regulation 4

Insert:

EUTM means the European Union Training Mission.

71 Regulation 4 (definition of *import sanctioned goods*)

Omit "7A", substitute "5A".

72 Regulation 4 (paragraphs (e) and (f) of the definition of *paramilitary equipment*)

Repeal the paragraphs, substitute:

- (e) whips.

73 Regulation 4 (definition of *prohibited service to a designated person or entity*)

Omit "6A", substitute "6".

74 Regulation 4 (definition of *prohibited supply to a designated person or entity*)

Omit "5A", substitute "6A".

75 Regulation 4

Insert:

resolution means a resolution adopted by the Security Council.

76 Regulation 4 (definition of *sanctioned supply*)

Omit “6”, substitute “7A”.

77 Regulation 4

Insert:

UNSONM means the United Nations Assistance Mission in Somalia.

78 Regulation 4 (definition of *weapons and military equipment*)

Repeal the definition.

79 Regulation 4

Insert:

weapons or military equipment 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).

80 Regulations 5 to 15

Repeal the regulations, substitute:

5 Definition of *export sanctioned goods*

Export sanctioned goods means weapons or military equipment.

5A Definition of *import sanctioned goods*

Import sanctioned goods means charcoal.

6 Definition of *prohibited service to a designated person or entity*

A person provides a *prohibited service to a designated person or entity* if:

- (a) the person directly or indirectly provides the designated person or entity with:
 - (i) technical assistance or training; or

- (ii) financial assistance, including investment, brokering or other financial services; or
- (iii) other assistance; and
- (b) the assistance or training mentioned in paragraph (a) relates to:
 - (i) military activities; or
 - (ii) the supply, sale, transfer, manufacture, maintenance or use of export sanctioned goods.

6A Definition of *prohibited supply to a designated person or entity*

Prohibited supply to a designated person or entity means the direct or indirect supply, sale or transfer to a designated person or entity of export sanctioned goods.

7 Definition of *sanctioned service*

Sanctioned service means:

- (a) the provision to Somalia of financing for the acquisition or delivery of export sanctioned goods; or
- (b) the direct or indirect provision to Somalia of the following, in relation to military activities:
 - (i) technical advice;
 - (ii) financial or other assistance;
 - (iii) training.

7A 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 Somalia.

8 Prohibitions relating to a sanctioned supply

- (1) A person contravenes this subregulation if:
 - (a) the person makes a sanctioned supply; and

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- (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 supply is 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 Somalia, as existing from time to time.

Note: Resolutions relating to Somalia 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 intended solely for the development of the Security Forces of the Federal Government of Somalia to provide security for the Somali people:
 - (i) for which notice has been given to the Committee at least 5 days in advance of the delivery of the goods; or
 - (ii) for a supply of goods set out in the annex of Resolution 2111—that is the subject of a successful request for advance approval to the Committee;
 - (b) a supply intended solely for the support of, or use by, United Nations personnel, including UNSOM;
 - (c) a supply intended solely for the support of, or use by, AMISOM;
 - (d) a supply intended solely for the support of, or use by, AMISOM's strategic partners, operating:
 - (i) solely under the African Union Strategic Concept of 5 January 2012 or subsequent African Union strategic concepts; and

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- (ii) in cooperation and coordination with AMISOM;
 - (e) a supply intended solely for the support of, or use by, the EUTM in Somalia;
 - (f) a supply destined for the sole use of Member States or international, regional or subregional organisations undertaking measures to suppress acts of piracy and armed robbery at sea off the coast of Somalia, if:
 - (i) the Federal Government of Somalia requests the measures, and has given the Secretary-General notice of the request; and
 - (ii) the measures are consistent with applicable international humanitarian and human rights law;
 - (g) a supply of protective clothing temporarily exported to Somalia 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);
 - (h) a supply of non-lethal military equipment by a Member State or an international, regional or subregional organisation:
 - (i) intended solely for humanitarian or protective use; and
 - (ii) for which notice has been given to the Committee by the Member State or organisation at least 5 days in advance;
 - (i) a supply by a Member State or an international, regional or subregional organisation, intended solely for the purposes of helping develop Somali security sector institutions:
 - (i) for which notice has been given to the Committee by the Member State or organisation in advance; and
 - (ii) in relation to which the Committee has not made a negative decision within 5 working days after the notice is given.
- (3) A notice or request for advance approval to the Committee mentioned in subregulation (2) must include all relevant information about the supply, in accordance with the following:
- (a) resolutions relating to Somalia, as existing from time to time;
 - (b) the Guidelines of the Committee for the Conduct of its Work, as in force from time to time.

Note: Resolutions relating to Somalia, 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 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 a 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.

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- (6) An authorised service is a sanctioned service that is authorised by:
- (a) a permit under regulation 11; or
 - (b) for a service provided 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 Somalia, as existing from time to time.

Note: Resolutions relating to Somalia 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 consisting of advice, assistance or training:
 - (i) intended solely for the development of the Security Forces of the Federal Government of Somalia to provide security for the Somali people; and
 - (ii) for which notice has been given to the Committee at least 5 days in advance of the provision of the service;

- (b) a service consisting of assistance intended solely for the support of, or use by, United Nations personnel, including UNSOM;
- (c) a service consisting of technical training or assistance intended solely for the support of, or use by, AMISOM;
- (d) a service consisting of assistance intended solely for the support of, or use by, AMISOM's strategic partners, operating:
 - (i) solely under the African Union Strategic Concept of 5 January 2012 or subsequent African Union strategic concepts; and
 - (ii) in cooperation and coordination with AMISOM;
- (e) a service consisting of technical training or assistance intended solely for the support of, or use by, the EUTM in Somalia;
- (f) a service consisting of technical assistance or training provided by a Member State or an international, regional or subregional organisation, intended solely for the purpose of helping develop Somali security sector institutions:
 - (i) for which notice has been given to the Committee by the Member State or organisation; and
 - (ii) in relation to which the Committee has not made a negative decision within 5 working days after the notice is given;
- (g) a service consisting of technical assistance provided at the request of Somalia or a nearby coastal State to enhance the capacity of Somalia or the nearby coastal State to ensure coastal or maritime security, including combating piracy or armed robbery at sea off the Somali and nearby coastlines.

Note: For paragraph (g), see paragraph 5 of Resolution 1846.

- (3) A notice to the Committee mentioned in subregulation (2) must include all relevant information about the service, in accordance with the following:
 - (a) resolutions relating to Somalia, as existing from time to time;
 - (b) the Guidelines of the Committee for the Conduct of its Work, as in force from time to time.

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

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- (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 Prohibitions relating to a prohibited supply or prohibited service to a designated person or entity

- (1) A person contravenes this subregulation if the person:
- (a) makes a prohibited supply to a designated person or entity; or
 - (b) provides a prohibited service to a designated person or entity.
- (2) 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:
 - (i) makes a prohibited supply to a designated person or entity; or
 - (ii) provides a prohibited service to a designated person or entity.
- (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) or (2).

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 Prohibitions relating to dealings with designated persons or entities

- (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 under subregulation (2).
- (2) For paragraph (1)(b), the making available of the asset is authorised if it:

- (a) is authorised by a permit under regulation 15; or
- (b) consists of the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by any of the following:
 - (i) the United Nations, or a specialised agency or program of the United Nations;
 - (ii) a humanitarian organisation having observer status with the United Nations General Assembly that provides humanitarian assistance;
 - (iii) an implementing partner of an organisation mentioned in subparagraph (ii), including a bilaterally or multilaterally funded non-governmental organisation participating in the United Nations Consolidated Appeal for Somalia.

Note: For paragraph (b), see paragraph 22 of Resolution 2111.

- (3) 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 15.

- (4) 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: Subregulation (4) has the effect that the offence has extraterritorial operation.

- (5) For the purpose of determining the matter in paragraph (2)(b), regard may be had to advice, an opinion or a recommendation given or made by the Committee.

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

14 Prohibitions relating to 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

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- (ii) allows the asset to be used or dealt with; or
 - (iii) facilitates the use of the asset or the dealing with the asset; and
- (c) the use of or dealing with the asset is not authorised under subregulation (2).
- (2) For paragraph (1)(c), the use of or dealing with the asset is authorised if it:
- (a) is authorised by a permit under regulation 15; or
 - (b) consists of the payment of funds, other financial assets or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by any of the following:
 - (i) the United Nations, or a specialised agency or program of the United Nations;
 - (ii) a humanitarian organisation having observer status with the United Nations General Assembly that provides humanitarian assistance;
 - (iii) an implementing partner of an organisation mentioned in subparagraph (ii), including a bilaterally or multilaterally funded non-governmental organisation participating in the United Nations Consolidated Appeal for Somalia.

Note: For paragraph (b), see paragraph 22 of Resolution 2111.

- (3) 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 of or dealing with the asset is not authorised by a permit under regulation 15.
- (4) 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: Subregulation (4) has the effect that the offence has extraterritorial operation.
- (5) For the purpose of determining the matter in paragraph (2)(b), regard may be had to advice, an opinion or a recommendation given or made by the Committee.

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

15 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 13(1); or
 - (b) a use of, or dealing with, a controlled asset that would otherwise contravene subregulation 14(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 3 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.

No. 123, 2014 *Charter of the United Nations Legislation Amendment (Sanctions—*
2014 Measures No. 1) Regulation 2014 55
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