



# **Charter of the United Nations (Sanctions—Yemen) Amendment Regulation 2015 (No. 1)**

## **Select Legislative Instrument No. 234, 2015**

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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 10 December 2015

Peter Cosgrove  
Governor-General

By His Excellency's Command

Julie Bishop  
Minister for Foreign Affairs

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*OPC61326 - A*



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## 1 Name

This is the *Charter of the United Nations (Sanctions—Yemen) Amendment Regulation 2015 (No. 1)*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this instrument	The day after this instrument is registered.	19 December 2015

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

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

#### 1 Section 4

Insert:

*arms or related matériel* includes the following:

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

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

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

#### 2 Section 4 (definition of *designated person or entity*)

Repeal the definition, substitute:

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

- (a) designated by the Committee for paragraph 11 of Resolution 2140; or
- (b) that the Security Council decides is subject to the measures imposed by paragraph 11 of Resolution 2140.

#### 3 Section 4

Insert:

*export sanctioned goods* has the meaning given by section 4A.

*paragraph 14 person or entity* means a person or entity:

- (a) named in paragraph 14 of Resolution 2216; or
- (b) listed in the annex of Resolution 2216; or
- (c) designated by the Committee in accordance with paragraph 20(d) of Resolution 2216; or

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- (d) acting on behalf of, or at the direction of, in Yemen, a person or entity mentioned in paragraph (a), (b) or (c).

***paramilitary equipment*** means any of the following:

- (a) batons, clubs, riot sticks or similar devices of a kind used for law enforcement purposes;
- (b) body armour, including:
- (i) bullet-resistant apparel; and
  - (ii) bullet-resistant pads; and
  - (iii) protective helmets;
- (c) handcuffs, leg-irons or other devices used for restraining prisoners;
- (d) riot protection shields;
- (e) whips.

***Resolution 2216*** means Resolution 2216 (2015) of the Security Council, adopted on 14 April 2015.

***sanctioned service*** has the meaning given by section 4B.

***sanctioned supply*** has the meaning given by section 4C.

#### **4 At the end of Part 1**

Add:

##### **4A Definition of *export sanctioned goods***

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

##### **4B Definition of *sanctioned service***

***Sanctioned service:***

- (a) means the provision to a paragraph 14 person or entity of technical assistance, training, financial or other assistance, related to:
- (i) military activities; or
  - (ii) the provision, maintenance or use of any arms or related matériel; and
- (b) includes the provision to a paragraph 14 person or entity of armed mercenary personnel whether or not originating in Australia.

#### 4C 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, or for the benefit of, a paragraph 14 person or entity.

#### 5 Before section 5

Insert:

#### 4D Prohibitions relating to a sanctioned supply

- (1) A person contravenes this subsection if the person makes a sanctioned supply.
- (2) A person contravenes this subsection 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 export sanctioned goods in the course of, or for the purpose of, making a sanctioned supply.
- (3) A body corporate contravenes this subsection 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.
- (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 subsection (1).

Note 1: Subsection (4) 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*.



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**4E Prohibitions relating to a sanctioned service**

- (1) A person contravenes this subsection if the person provides a sanctioned service.
- (2) A person contravenes this subsection 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 in the course of, or for the purpose of, providing a sanctioned service.
- (3) A body corporate contravenes this subsection 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.
- (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 subsection (1).

Note 1: Subsection (4) 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*.