



Statutory Rules 1994 No. L<sup>1</sup>

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## Charter of the United Nations (Sanctions— Libya) Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,  
acting with the advice of the Federal Executive Council, make the  
following Regulations under the *Charter of the United Nations Act*  
1945.

Dated L 1994.

L 16 May  
BILL HAYDEN  
Governor-General

By His Excellency's Command,

L  
Minister for Foreign Affairs

GARETH EVANS

### Citation

1. These Regulations may be cited as the Charter of the  
United Nations (Sanctions—Libya) Regulations.

[NOTE: These Regulations commence on gazettal: see *Acts Interpretation Act*  
1901, s. 48.]

**Interpretation**

2. In these Regulations, unless the contrary intention appears:

**“American Petroleum Institute 610 standards”** means the document of that title:

- (a) published by the American Petroleum Institute; and
- (b) in force on the day on which these Regulations commence;

**“American Society of Mechanical Engineers 1 Standards”** means the document of that title:

- (a) published by the American Society of Mechanical Engineers; and
- (b) in force on the day on which these Regulations commence;

**“American Society of Mechanical Engineers 8 Standards”** means the document of that title:

- (a) published by the American Society of Mechanical Engineers; and
- (b) in force on the day on which these Regulations commence;

**“petroleum”** means:

- (a) a naturally occurring hydrocarbon, whether in a gaseous, liquid or solid state; or
- (b) a naturally occurring mixture of hydrocarbons, whether in a gaseous, liquid or solid state; or
- (c) a naturally occurring mixture of hydrocarbon or hydrocarbons, whether in a gaseous, liquid or solid state, and one or more of the following:
  - (i) hydrogen sulphate;
  - (ii) nitrogen;
  - (iii) helium;
  - (iv) carbon dioxide;

**“petroleum product”** means:

- (a) a hydrocarbon or mixture of hydrocarbons produced by subjecting petroleum to a process of refining or produced from petroliferous minerals; or
- (b) a mixture of a hydrocarbon or hydrocarbons so produced with another substance or substances;

**“petroliferous mineral”** means a naturally occurring mineral from which any hydrocarbon, whether in the gaseous, liquid or solid state, may be produced.

### **Application of the Regulations**

3. These Regulations have extra-territorial operation according to their terms.

### **Financial sanctions against Libya: persons in Australia**

4. (1) A person in Australia who holds the following funds or financial resources must not, intentionally or recklessly, use the funds or financial resources for any purpose:

- (a) funds or financial resources that are owned or controlled, directly or indirectly, by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya;
- (b) funds or financial resources that are owned or controlled, directly or indirectly, by a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya;
- (c) funds or financial resources that are owned or controlled, directly or indirectly, by a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by an entity that is owned or controlled by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya;

- (d) funds or financial resources that are owned or controlled, directly or indirectly, by a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by a person acting for:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
  - (iii) an entity that is owned or controlled by the Government of Libya; or
  - (iv) an entity that is owned or controlled by a public authority of Libya.

Penalty: 50 penalty units.

(2) A person in Australia who holds funds or financial resources that are not referred to in subregulation (1), must not, intentionally or recklessly, use the funds or financial resources, directly or indirectly, for the benefit of:

- (a) the Government of Libya; or
- (b) a public authority of Libya; or
- (c) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
- (d) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by an entity that is owned or controlled by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
- (e) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by a person acting for:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
  - (iii) an entity that is owned or controlled by the Government of Libya; or
  - (iv) an entity that is owned or controlled by a public authority of Libya.

Penalty: 50 penalty units.

(3) Subregulations (1) and (2) do not apply to funds and financial resources in a bank account if:

- (a) the account contains only funds and financial resources derived from the sale or supply of one or more of the following products:
  - (i) petroleum;
  - (ii) petroleum products;
  - (iii) agricultural products;
  - (iv) agricultural commodities; and
- (b) the products originate in Libya; and
- (c) the products are exported from Libya on or after 1 December 1993.

**Financial sanctions against Libya: citizens of Australia who are outside Australia**

5. (1) A citizen of Australia who is outside Australia, and who holds the following funds or financial resources, must not, intentionally or recklessly, use the funds or financial resources for any purpose:

- (a) funds or financial resources that are owned or controlled, directly or indirectly, by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya;
- (b) funds or financial resources that are owned or controlled, directly or indirectly, by a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya;
- (c) funds or financial resources that are owned or controlled, directly or indirectly, by a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by an entity that is owned or controlled by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya;

- (d) funds or financial resources that are owned or controlled, directly or indirectly, by a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by a person acting for:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
  - (iii) an entity that is owned or controlled by the Government of Libya; or
  - (iv) an entity that is owned or controlled by a public authority of Libya.

Penalty: 50 penalty units.

(2) A citizen of Australia who is outside Australia, and who holds funds or financial resources that are not referred to in subregulation (1), must not, intentionally or recklessly, use the funds or financial resources, directly or indirectly, for the benefit of:

- (a) the Government of Libya; or
- (b) a public authority of Libya; or
- (c) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
- (d) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by an entity that is owned or controlled by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
- (e) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by a person for:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
  - (iii) an entity that is owned or controlled by the Government of Libya; or
  - (iv) an entity that is owned or controlled by a public authority of Libya.

Penalty: 50 penalty units.

(3) Subregulations (1) and (2) do not apply to funds and financial resources in a bank account if:

- (a) the account contains only funds and financial resources derived from the sale or supply of one or more of the following products:
  - (i) petroleum;
  - (ii) petroleum products;
  - (iii) agricultural products;
  - (iv) agricultural commodities; and
- (b) the products originate in Libya; and
- (c) the products are exported from Libya on or after 1 December 1993.

**Sanctions in relation to Libyan civil and military aviation:  
persons in Australia**

- 6. A person in Australia:
  - (a) must not, intentionally or recklessly, enter into, or continue to engage in, a commercial transaction with Libyan Arab Airlines after the day on which this regulation commences; and
  - (b) must not, intentionally or recklessly, renew an agreement for the provision of direct insurance of a Libyan aircraft; and
  - (c) must not, intentionally or recklessly, enter into, or renew, an arrangement to make available for operation within Libya an aircraft other than an aircraft that is owned or controlled by the United Nations; and
  - (d) must not, intentionally or recklessly, enter into, or renew, an arrangement to make available for operation within Libya a component of an aircraft other than a component that is owned or controlled by the United Nations; and

- (e) must not, intentionally or recklessly, enter into, or renew, an arrangement to provide in Libya engineering or maintenance servicing of:
  - (i) an aircraft, other than an aircraft that is owned or controlled by the United Nations; or
  - (ii) a component of an aircraft, other than a component that is owned or controlled by the United Nations; and
- (f) must not, intentionally or recklessly, enter into, or renew, an arrangement to provide engineering or maintenance servicing of:
  - (i) a Libyan aircraft; or
  - (ii) a component of a Libyan aircraft; and
- (g) must not, intentionally or recklessly, provide services that are likely to be used for maintenance of airfields in Libya, or associated facilities and equipment, except services directly related to
  - (i) civilian air traffic control; or
  - (ii) maintenance of emergency equipment; or
  - (iii) use of the airfields or associated facilities and equipment by aircraft that are owned or controlled by the United Nations; and
- (h) must not, intentionally or recklessly, provide advice, assistance or training to a person:
  - (i) who is an aircraft pilot in Libya, other than a pilot of an aircraft that is owned or controlled by the United Nations; or
  - (ii) who is a flight engineer associated with the operation of aircraft and airfields in Libya, other than a person who is a flight engineer associated with the operation of:
    - (A) aircraft that are owned or controlled by the United Nations; and
    - (B) airfields that are used by aircraft that are owned or controlled by the United Nations; or

- (iii) who works with aircraft and ground maintenance personnel associated with the operation of aircraft and airfields in Libya, other than a person who works with aircraft and ground maintenance personnel associated with the operation of:
  - (A) aircraft that are owned or controlled by the United Nations; and
  - (B) airfields that are used by aircraft that are owned or controlled by the United Nations.

Penalty: 50 penalty units.

**Sanctions in relation to Libyan civil and military aviation:  
citizens of Australia**

- 7. A citizen of Australia:
  - (a) must not, intentionally or recklessly, enter into, or continue to engage in, a commercial transaction with Libyan Arab Airlines after the day on which this regulation commences; and
  - (b) must not, intentionally or recklessly, renew an agreement for the provision of direct insurance of a Libyan aircraft; and
  - (c) must not, intentionally or recklessly, enter into, or renew, an arrangement to make available for operation within Libya an aircraft other than an aircraft that is owned or controlled by the United Nations; and
  - (d) must not, intentionally or recklessly, enter into, or renew, an arrangement to make available for operation within Libya a component of an aircraft other than a component that is owned or controlled by the United Nations; and
  - (e) must not, intentionally or recklessly, enter into, or renew, an arrangement to provide in Libya engineering or maintenance servicing of:
    - (i) an aircraft, other than an aircraft that is owned or controlled by the United Nations; or

- (ii) a component of an aircraft, other than a component that is owned or controlled by the United Nations; and
- (f) must not, intentionally or recklessly, enter into, or renew, an arrangement to provide engineering or maintenance servicing of:
  - (i) a Libyan aircraft; or
  - (ii) a component of a Libyan aircraft; and
- (g) must not, intentionally or recklessly, provide services that are likely to be used for maintenance of airfields in Libya, or associated facilities and equipment, except services directly related to
  - (i) civilian air traffic control; or
  - (ii) maintenance of emergency equipment; or
  - (iii) use of the airfields or associated facilities and equipment by aircraft that are owned or controlled by the United Nations; and
- (h) must not, intentionally or recklessly, provide advice, assistance or training to a person:
  - (i) who is an aircraft pilot in Libya, other than a pilot of an aircraft that is owned or controlled by the United Nations; or
  - (ii) who is a flight engineer associated with the operation of aircraft and airfields in Libya, other than a person who is a flight engineer associated with the operation of:
    - (A) aircraft that are owned or controlled by the United Nations; and
    - (B) airfields that are used by aircraft that are owned or controlled by the United Nations; or
  - (iii) who works with aircraft and ground maintenance personnel associated with the operation of aircraft and airfields in Libya, other than a person who works with aircraft and ground maintenance personnel associated with the operation of:
    - (A) aircraft that are owned or controlled by the United Nations; and

- (B) airfields that are used by aircraft that are owned or controlled by the United Nations.

Penalty: 50 penalty units.

**Prohibition on provision of certain goods to Libya**

**8. (1)** A citizen of Australia who is outside Australia must not, intentionally or recklessly, provide the following to a person or body in Libya, or to a person or body for the purpose of a business carried on in, or operated from, Libya:

- (a) goods referred to in the Schedule;
- (b) equipment and goods that are likely to be used for the manufacture or maintenance of goods referred to in the Schedule;
- (c) goods likely to be used for construction, improvement or maintenance of airfields in Libya, or associated facilities and equipment, except:
  - (i) emergency equipment; and
  - (ii) goods that are directly related to civilian air traffic control; and
  - (iii) goods likely to be used for construction, improvement or maintenance of airfields in Libya, or associated facilities and equipment, that are used by aircraft that are owned or controlled by the United Nations.

Penalty: 50 penalty units.

- (2)** A citizen of Australia who is outside Australia:
- (a) must not, intentionally or recklessly, grant a license for the manufacture or maintenance of goods referred to in the Schedule to:
    - (i) a person or body in Libya; or
    - (ii) a person or body for the purpose of a business carried on in, or operated from, Libya; and

- (b) must not, intentionally or recklessly, enter into a licensing arrangement for the manufacture or maintenance of goods referred to in the Schedule with:
  - (i) a person or body in Libya; or
  - (ii) a person or body for the purpose of a business carried on in, or operated from, Libya.

Penalty: 50 penalty units.

**No liability for certain actions**

9. (1) A person referred to in subregulation (2) has no cause of action against a person who:

- (a) fails to perform a contract; or
- (b) fails to carry out a transaction or commercial operation; because of a requirement of these Regulations.

(2) Subregulation (1) applies to the following persons:

- (a) the Government of Libya;
- (b) a public authority of Libya;
- (c) a citizen of Libya;
- (d) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya;
- (e) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by an entity that is owned or controlled by:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya;
- (f) a commercial, industrial or public utility undertaking that is owned or controlled, directly or indirectly, by a person acting for:
  - (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
  - (iii) an entity that is owned or controlled by the Government of Libya; or
  - (iv) an entity that is owned or controlled by a public authority of Libya;

- (g) a person claiming through or for the benefit of:
- (i) the Government of Libya; or
  - (ii) a public authority of Libya; or
  - (iii) a citizen of Libya; or
  - (iv) an undertaking mentioned in paragraph (d), (e) or (f).
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**SCHEDULE**

Regulation 8

**GOODS TO WHICH REGULATION 7 APPLIES**

Column 1 Item	Column 2 Description of goods
1	Pumps with a capacity of at least 350 cubic metres per hour
2	Gas turbines, and electric motors, designed for use in the transportation of crude oil and natural gas
3	Boilers complying with the requirements of the American Society of Mechanical Engineers 1 Standards
4	Furnaces complying with the requirements of the American Society of Mechanical Engineers 8 Standards
5	Fractionation columns complying with the requirements of the American Society of Mechanical Engineers 8 Standards
6	Pumps complying with the requirements of the American Petroleum Institute 610 Standards
7	Catalytic reactors complying with the requirements of the American Society of Mechanical Engineers 8 Standards
8	Prepared catalysts
9	Loading buoys that are designed for use in a crude oil export terminal

**SCHEDULE—continued**

Column 1 Item	Column 2 Description of goods
10	Single point moorings that are designed for use in a crude oil export terminal
11	Flexible hosing that: <ul style="list-style-type: none"><li>(a) is designed for use in a crude oil export terminal; and</li><li>(b) may be used as a connection between underwater manifolds and single point moorings</li></ul>
12	Floating loading hoses that: <ul style="list-style-type: none"><li>(a) are designed for use in a crude oil export terminal; and</li><li>(b) have a diameter of the metric equivalent of 12 to 16 inches</li></ul>
13	Chains that: <ul style="list-style-type: none"><li>(a) are designed for use in a crude oil export terminal; and</li><li>(b) may be used as anchor chains</li></ul>
14	Loading pumps that: <ul style="list-style-type: none"><li>(a) can be used in a crude oil export terminal; and</li><li>(b) have a capacity of at least 4,000 cubic metres per hour; and</li><li>(c) have a head of a size less than 10 bars</li></ul>
15	Boosting pumps that: <ul style="list-style-type: none"><li>(a) can be used in a crude oil export terminal; and</li><li>(b) have a capacity of at least 4,000 cubic metres per hour; and</li><li>(c) have a head of a size less than 10 bars</li></ul>

16      *Charter of the United Nations (Sanctions—Libya)*  
1994 No.

**SCHEDULE—continued**

Column 1 Item	Column 2 Description of goods
16	Inline pipe line inspection tools that: (a) can be used in a crude oil export terminal; and (b) may be used in relation to pipes with a diameter of at least the metric equivalent of 16 inches
17	Metering equipment that: (a) can be used in a crude oil export terminal; and (b) has a capacity of at least 1,000 cubic metres per hour

**NOTE**

1. Notified in the *Commonwealth of Australia Gazette* on

L 1994.

18 May