Charter of the United Nations
(Sanctions — Democratic
Republic of the Congo)
Regulations 2005'

Select Legislative Instrument 2005 No. 98

I, PHILIP MICHAEL JEFFERY, 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 25 May 2005

P. M. JEFFERY
Governor-General

By His Excellency’s Command

ALEXANDER DOWNER
Minister for Foreign Affairs
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Charter of the United Nations (Sanctions — Democratic Republic of the Congo) Regulations 2005  

Federal Register of Legislative Instruments F2005L01233
Part 1  Introductory

1 Name of Regulations
These Regulations are the Charter of the United Nations (Sanctions — Democratic Republic of the Congo) Regulations 2005.

2 Commencement
These Regulations commence on the day after they are registered.

3 Object
The object of these Regulations is to assist in giving effect to Resolution 1493 by restricting the supply of arms and related matériel, and the provision of assistance, advice and training related to military activities to the Democratic Republic of the Congo.

4 Extra-territorial operation of Regulations
These Regulations have extra-territorial operation according to their terms.

5 Definitions
In these Regulations:
Australian aircraft means an aircraft registered in Australia under the Civil Aviation Act 1988.
Australian ship means a ship registered in Australia under the Shipping Registration Act 1981.
engage in conduct means do an act or omit to perform an act.
Part 2 Restriction on supply of arms etc

6 Application of Part

This Part applies to a person in Australia or a citizen of Australia who is outside Australia.

7 Restriction on sale of arms etc

(1) A person must not engage in conduct that assists, or results in, the sale or supply of arms or related matériel to a foreign or Congolese armed group or militia operating in North Kivu, South Kivu or Ituri.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply in relation to a sale or supply:

(a) to:

(i) the Government of the Democratic Republic of the Congo for the use of the integrated Congolese national army and police forces; or

(ii) MONUC or the Interim Emergency Multinational Force deployed in Bunia; or

(b) of non-lethal military equipment intended solely for humanitarian or protective use.

Note Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.

8 Restriction on provision of technical assistance etc

(1) A person must not engage in conduct that assists, or results in, the provision of assistance, advice or training relating to military activities to a foreign or Congolese armed group or militia operating in North Kivu, South Kivu or Ituri.

Penalty: 50 penalty units.
(2) Subregulation (1) does not apply in relation to the provision of assistance, advice or training that:
(a) consists of technical assistance and training relating to the supply of non-lethal military equipment intended solely for humanitarian or protective use; and
(b) is notified in advance to the Secretary-General through the Secretary-General’s Special Representative.

*Note* Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.
Part 3 Restriction on use of Australian aircraft and ships

9 Use of Australian aircraft and ships for supply of arms etc

(1) The owner, pilot in command or operator of an Australian aircraft must not allow the aircraft to be used in a way that assists, or results in, the sale or supply of arms or related matériel to a foreign or Congolese armed group or militia operating in North Kivu, South Kivu or Ituri.

Penalty: 50 penalty units.

(2) The owner, master or operator of an Australian ship must not allow the ship to be used in a way that assists, or results in, the sale or supply of arms or related matériel to a foreign or Congolese armed group or militia operating in North Kivu, South Kivu or Ituri.

Penalty: 50 penalty units.

(3) Subregulations (1) and (2) do not apply in relation to a sale or supply:

(a) to:

(i) the Government of the Democratic Republic of the Congo for the use of the integrated Congolese national army and police forces; or

(ii) MONUC or the Interim Emergency Multinational Force deployed in Bunia; or

(b) of non-lethal military equipment intended solely for humanitarian or protective use.

Note Chapter 2 of the Criminal Code sets out the general principles of criminal responsibility.
Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See www.frli.gov.au.