
Statutory Rules 2002 No. 61 as amended

made under the

Charter of the United Nations Act 1945

This compilation was prepared on 18 November 2006 taking into account amendments up to SLI 2006 No. 299

Prepared by the Office of Legislative Drafting and Publishing, Attorney-General’s Department, Canberra
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2 *Charter of the United Nations (Sanctions — Liberia) Regulations 2002*
Part 1 Introductory

1 Name of Regulations [see Note 1]

These Regulations are the Charter of the United Nations (Sanctions — Liberia) Regulations 2002.

2 Commencement [see Note 1]

These Regulations commence on gazettal.

3 Object

The object of these Regulations is to assist in giving effect to Resolution 1521 (2003) and Resolution 1532 (2004) of the Security Council of the United Nations, concerning Liberia, by:

(a) preventing a person in Australia, or a citizen of Australia who is outside Australia, from doing anything that assists, or results in:

(i) arms or related matériel being sold or supplied to a place in Liberia; or

(ii) technical training or other assistance in relation to the provision, manufacture, maintenance or use of arms or related matériel being given to a person in Liberia; or

(iii) rough diamonds being imported into Australia from Liberia; or

(iv) round logs or timber products being imported into Australia from Liberia; and

(b) preventing the use of Australian aircraft or ships in relation to a matter mentioned in subparagraph (a) (i); and

(c) preventing a person:

(i) from using or dealing with assets owned or controlled by former Liberian President Charles Taylor, his immediate family members or his other close allies or associates; and
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(ii) from making any asset available to a person mentioned in subparagraph (i).

4 Extra-territorial operation of Regulations

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

6 Definitions

In these Regulations:

*Act* means the *Charter of the United Nations Act 1945*.

*arms or related matériel* includes:

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

*Note* Paramilitary equipment includes parts and accessories designed or adapted for use in, or with, paramilitary equipment mentioned in paragraphs (a) to (e) of the definition of *paramilitary equipment* (see paragraph (f) of that definition).

*asset* means an asset described in the definition of *asset* in section 14 of the Act.

*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*.

*Committee* means the committee established under paragraph 21 of Resolution 1521.

*designated entity* means an entity that:

(a) is owned or controlled, directly or indirectly, by:
   (i) a designated person; or
   (ii) a person acting on behalf of, or at the direction of, a designated person; and
(b) is designated by the Committee under paragraph 1 of Resolution 1532.

**designated person** means a person designated by the Committee under paragraph 1 of Resolution 1532.

**Note** For a list of designated persons and designated entities, see the document entitled ‘List of individuals and entities subject to the measures contained in paragraph 1 of Security Council Resolution 1532 (2004) concerning Liberia (The Assets Freeze List)’ at www.un.org.

**engage in conduct** means do an act or omit to perform an act.

**excluded asset** means an asset (if any) that, under paragraph 2 of Resolution 1532, is not an asset to which paragraph 1 of Resolution 1532 applies.

**freezable asset** means an asset in Australia (other than an excluded asset) that is owned or controlled, directly or indirectly, by a designated person, or held by a designated entity.

**paramilitary equipment** means any of the following:
(a) batons, clubs, riot sticks and 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 and other devices used for restraining prisoners;
(d) riot protection shields;
(e) whips;
(f) parts and accessories designed or adapted for use in, or with, equipment mentioned in paragraphs (a) to (e).

**protective clothing** includes protective military jackets and helmets.


**UNMIL** means the United Nations Mission in Liberia.
Part 2 Restriction on supply of arms etc

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

8 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 any recipient in Liberia.
Penalty: 50 penalty units.
(2) Subregulation (1) does not apply to:
(a) a sale or supply that is intended solely for the support of, or use by UNMIL; or
(b) a sale or supply that is:
   (i) intended solely for the support of, or use in, an international training and reform programme for the Liberian armed forces and police; and
   (ii) approved in advance by the Committee; or
(c) a sale or supply of non-lethal military equipment that is:
   (i) intended solely for humanitarian or protective purposes; and
   (ii) approved in advance by the Committee; or
(d) a sale or supply of protective clothing that is intended to be worn only by:
   (i) a member of the personnel of the United Nations; or
   (ii) a representative of the media; or
   (iii) a humanitarian or development worker or an associated person; or

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(e) a limited supply of weapons or ammunition that is:
   (i) intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL; and
   (ii) approved in advance by the Committee.

(3) For paragraphs (2) (b), (c) and (e), strict liability applies to the circumstance that a sale or supply is approved in advance by the Committee.

Note For strict liability, see subsection 6.1 of the Criminal Code.

9 Restriction on provision of technical assistance etc

(1) A person must not engage in conduct that assists, or results in, the provision to any person in Liberia of technical training or other assistance in relation to the provision, manufacture, maintenance or use of arms or related matériel.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply if:
   (a) the provision of training or assistance is intended solely for the support of, or use by, UNMIL; or
   (b) the provision of training or assistance:
      (i) is intended solely for the support of, or use in, an international training and reform programme for the Liberian armed forces and police; and
      (ii) is approved in advance by the Committee; or
   (c) the provision of training or assistance:
      (i) relates to non-lethal military equipment intended solely for humanitarian or protective purposes; and
      (ii) is approved in advance by the Committee.
   (d) the provision of training or assistance:
      (i) relates to a limited supply of weapons or ammunition that is intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL; and
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(ii) is approved in advance by the Committee.

(3) For paragraphs (2) (b), (c) and (d), strict liability applies to the circumstance that a provision is approved in advance by the Committee.

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

10 **Prohibition on importation of rough diamonds**

A person must not engage in conduct that assists, or results in:

(a) rough diamonds being imported into Australia from Liberia, whether or not the rough diamonds originated in Liberia; or

(b) rough diamonds that originated in Liberia being imported into Australia from a third country.

Penalty: 50 penalty units.

10A **Importation of round logs and timber products**

A person must not engage in conduct that assists, or results in, round logs or timber products being imported into Australia from Liberia.

Penalty: 50 penalty units.
Part 3  

Restriction on use of Australian aircraft and ships

Division 3.1  

Restriction on use of aircraft

11 Use of aircraft for transfer of arms and related matériel

(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 any recipient in Liberia.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply to:

(a) a sale or supply that is intended solely for the support of, or use by UNMIL; or

(b) a sale or supply that is:

(i) intended solely for the support of, or use in, an international training and reform programme for the Liberian armed forces and police; and

(ii) approved in advance by the Committee; or

(c) a sale or supply of non-lethal military equipment that is:

(i) intended solely for humanitarian or protective purposes; and

(ii) approved in advance by the Committee; or

(d) a sale or supply of protective clothing that is intended to be worn only by:

(i) a member of the personnel of the United Nations; or

(ii) a representative of the media; or

(iii) a humanitarian or development worker or an associated person; or
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(e) a limited supply of weapons or ammunition that is:
    (i) intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL; and
    (ii) approved in advance by the Committee.

(3) For paragraphs (2) (b), (c) and (e), strict liability applies to the circumstance that a sale or supply is approved in advance by the Committee.

Note For strict liability, see subsection 6.1 of the Criminal Code.

Division 3.2 Restriction on use of ships

14 Use of ships for transfer of arms and related matériel

(1) 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 any recipient in Liberia.

(2) Subregulation (1) does not apply to:

(a) a sale or supply that is intended solely for the support of, or use by UNMIL; or

(b) a sale or supply that is:
    (i) intended solely for the support of, or use in, an international training and reform programme for the Liberian armed forces and police; and
    (ii) approved in advance by the Committee; or

(c) a sale or supply of non-lethal military equipment that is:
    (i) intended solely for humanitarian or protective purposes; and
    (ii) approved in advance by the Committee; or

(d) a sale or supply of protective clothing that is intended to be worn only by:
    (i) a member of the personnel of the United Nations; or
    (ii) a representative of the media; or
(iii) a humanitarian or development worker or an associated person; or
(e) a limited supply of weapons or ammunition that is:
  (i) intended for use by members of the Government of Liberia police and security forces who have been vetted and trained since the inception of UNMIL; and
  (ii) approved in advance by the Committee.

(3) For paragraphs (2) (b), (c) and (e), strict liability applies to the circumstance that a sale or supply is approved in advance by the Committee.

Note For strict liability, see subsection 6.1 of the Criminal Code.
Part 4  Freezable assets and restriction on movement of assets to designated persons and designated entities

15  Offence — dealing with freezable assets

(1) A person commits an offence if:
   (a) the person holds a freezable asset; and
   (b) the person:
       (i) uses or deals with the freezable asset; or
       (ii) allows the freezable asset to be used or dealt with; or
       (iii) facilitates the use of the freezable asset or dealing with the freezable asset; and
   (c) the use or dealing is not in accordance with a notice under regulation 17.

Penalty:  50 penalty units.

(2) Strict liability applies to paragraph (1) (c).

(3) It is a defence if the person proves that the use or dealing was solely for the purpose of preserving the value of the freezable asset.

(4) Section 15.1 of the Criminal Code (extended geographical jurisdiction — category A) applies to an offence against subregulation (1).

16  Offence — giving an asset to a designated person or designated entity

(1) A person commits an offence if:
   (a) the person, directly or indirectly, makes an asset available to a designated person or designated entity; and
(b) the making available of the asset is not in accordance with a notice under regulation 17.

Penalty: 50 penalty units.

(2) Strict liability applies to paragraph (1) (b).

(3) Section 15.1 of the Criminal Code (extended geographical jurisdiction — category A) applies to an offence against subregulation (1).

17 Authorised dealings

(1) The owner or holder of a freezable asset may apply in writing to the Minister for permission to use or deal with the freezable asset in a specified way.

(2) The owner or holder of an asset may apply in writing to the Minister for permission to make the asset available to a designated person or designated entity specified in the application.

(3) The Minister may, by written notice:
   (a) permit a freezable asset specified in the notice to be used or dealt with in a specified way; or
   (b) permit an asset specified in the notice to be made available to a designated person or designated entity specified in the notice.

(4) The Minister may issue such a notice on his or her own initiative or upon application under subregulation (1) or (2).

(5) The notice may be subject to conditions, and may be expressed to apply from a date before the notice is given.

(6) The notice must be given to the owner or holder of the asset as soon as practicable after it is made.

(6A) A notice that is given by the Minister on the basis of false or misleading information is taken to have no effect.

(7) The Minister may delegate the Minister’s powers and functions under this regulation (other than this power of delegation) to:
   (a) the Secretary of the Department; or
Regulation 17

(b) an SES employee, or acting SES employee, in the Department.

(8) The delegation must be in writing.

(9) The delegate must comply with any directions of the Minister in exercising powers or functions under the delegation.
Notes to the Charter of the United Nations (Sanctions — Liberia) Regulations 2002

Note 1


Under the Legislative Instruments Act 2003, which came into force on 1 January 2005, it is a requirement for all non-exempt legislative instruments to be registered on the Federal Register of Legislative Instruments. From 1 January 2005 the Statutory Rules series ceased to exist and was replaced with Select Legislative Instruments (SLI series). Numbering conventions remain the same, ie Year and Number.

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