Charter of the United Nations (Sanctions — Sierra Leone) Regulations 1997

Statutory Rules 1997 No. 393 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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Federal Register of Legislative Instruments F2006C00737
1 Name of Regulations [see Note 1]

These Regulations are the Charter of the United Nations (Sanctions — Sierra Leone) Regulations 1997.

2 Object

The object of these Regulations is to assist in giving effect to Resolution 1132 by restricting the supply of arms and related matériel to Sierra Leone.

3 Interpretation

In these Regulations:

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.

Committee means the Committee established under paragraph 10 of Resolution 1132.

ECOWAS means the Economic Community of West African States.

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

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).

**Resolution 1132** means Resolution 1132 (1997) of the Security Council of the United Nations, adopted on, 8 October 1997, as affected by:
(a) Resolution 1156 (1998), adopted on 16 March 1998; and
(b) Resolution 1171 (1998), adopted on 5 June 1998; and
(c) Resolution 1299 (2000), adopted on 19 May 2000.

**UNAMSIL** means the United Nations Mission in Sierra Leone.

### 4 Restriction on sale of arms etc

(1) A person in Australia, or a citizen of Australia who is outside Australia, must not engage in conduct that assists, or results in, the sale or supply of arms or related matériel to any recipient in Sierra Leone.

Penalty: 50 penalty units.

(2) Subregulation (1) does not apply to:
(a) the sale or supply of an item to the Government of Sierra Leone if:
   (i) the item is to be delivered through a point of entry stated in Schedule 1; and
   (ii) the sale or supply is notified in advance to the Committee; or

(b) the sale or supply of an item if:
   (i) the item is sold or supplied for the sole use in Sierra Leone of:
       (A) the Military Observer Group of ECOWAS; or
       (B) the United Nations; and
(ii) the sale or supply is notified in advance to the Committee; or

(c) the sale or supply of arms and related matériel for the sole use in Sierra Leone of a Member State of the United Nations cooperating with UNAMSIL and the Government of Sierra Leone.

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

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

5 Restriction on use of Australian aircraft and ships

(1) The owner, pilot in command or operator of an aircraft registered in Australia under the Civil Aviation Act 1988 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 person or body in Sierra Leone.

Penalty: 50 penalty units.

(2) The owner, master or operator of a ship registered in Australia under the Shipping Registration Act 1981 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 person or body in Sierra Leone.

Penalty: 50 penalty units.

(3) Subregulations (1) and (2) do not apply to:

(a) the sale or supply of an item to the Government of Sierra Leone if:

(i) the item is to be delivered through a point of entry stated in Schedule 1; and

(ii) the sale or supply is notified in advance to the Committee; or
Regulation 6

(b) the sale or supply of an item if:
   (i) the item is sold or supplied for the sole use in Sierra Leone of:
       (A) the Military Observer Group of ECOWAS; or
       (B) the United Nations; and
   (ii) the sale or supply is notified in advance to the Committee.

(3A) For subregulation (3), strict liability applies to the circumstance that the sale or supply is notified in advance to the Committee.

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

(4) This regulation has extra-territorial operation, according to its terms.

6 ECOWAS inspections

(1) The owner, master and operator of a ship registered in Australia under the Shipping Registration Act 1981 that could reasonably be regarded as bound for Sierra Leone must allow any reasonable inspection of the ship’s cargo and associated documents by a person authorised by ECOWAS to make such inspections.

Penalty: 50 penalty units.

(2) This regulation has extra-territorial operation, according to its terms.

(3) An offence against this regulation is an offence of strict liability.

Note For strict liability, see section 6.1 of the Criminal Code.
Schedule 1  Points of entry into Sierra Leone
(subregulations 4 (2) and 5 (3))

1. Kambia
2. Kabala
3. Bo-Waterside
4. Koindu
5. Lungi International Airport, Lungi
6. Queen Elizabeth II Quay, Cline Town
Notes to the *Charter of the United Nations (Sanctions — Sierra Leone) Regulations 1997*

**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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