Charter of the United Nations (Sanctions — Iran) Amendment Regulations 2007 (No. 1)

Select Legislative Instrument 2007 No. 114

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 10 May 2007

P. M. JEFFERY
Governor-General

By His Excellency’s Command

ALEXANDER DOWNER
Minister for Foreign Affairs
1 Name of Regulations
These Regulations are the *Charter of the United Nations (Sanctions — Iran) Amendment Regulations 2007 (No. 1)*.

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

3 Amendment of *Charter of the United Nations (Sanctions — Iran) Regulations 2007*
Schedule 1 amends the *Charter of the United Nations (Sanctions — Iran) Regulations 2007*.

**Schedule 1 Amendments**
(regulation 3)

[1] Regulation 3

*Substitute*

3 Object
The object of these Regulations is to give effect to Resolutions 1737 and 1747 by:

(a) restricting the supply, sale or transfer of export-controlled goods, and the provision of related assistance, to Iran; and

(b) restricting the procurement of WMD-related goods from Iran; and

(c) prohibiting the procurement of arms or related matériel from Iran; and

(d) preventing a person from:

(i) using or dealing with assets owned or controlled by a designated person or entity; or
(ii) making an asset available to a designated person or entity; otherwise than in accordance with these Regulations.

[2] Regulation 4, before definition of asset

insert

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).

[3] Regulation 4, definition of designated entity, paragraphs (c) and (d)

substitute

(c) an entity designated in Annex I to Resolution 1747; or
(d) an entity acting on behalf of, or at the direction of:
   (i) an entity mentioned in paragraph (a), (b) or (c); or
   (ii) a person mentioned in paragraph (a), (b) or (c) of the definition of designated person; or
(e) an entity owned or controlled by:
   (i) an entity mentioned in paragraph (a), (b) or (c); or
   (ii) a person mentioned in paragraph (a), (b) or (c) of the definition of designated person.
[4] **Regulation 4, definition of designated person, paragraph (c)**

*substitute*

(c) a person designated in Annex I to Resolution 1747; or

(d) a person acting on behalf of, or at the direction of:
   (i) a person mentioned in paragraph (a), (b) or (c); or
   (ii) an entity mentioned in paragraph (a), (b) or (c) of the definition of designated entity.

[5] **Regulation 4, after definition of freezable asset**

*insert*

**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).

[6] **Regulation 4, after definition of Resolution 1737**

*insert*


insert

Part 3A Procurement of arms or related matériel

10A Application of Part
This Part applies to a person in Australia or a citizen of Australia who is outside Australia.

10B Prohibition of procurement of arms or related matériel
(1) A person must not engage in conduct that results in the procurement of arms or related matériel from:
(a) Iran; or
(b) a person in Iran.

Penalty: 50 penalty units.

(2) Subregulation (1) applies regardless of whether the arms or matériel originated in Iran.

Note Under subsection 11.2 (1) of the Criminal Code, a person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.

[8] Part 4, after regulation 12

insert

12A Use of Australian aircraft and ships for procurement of arms or related matériel from Iran
(1) The owner of an Australian aircraft must not allow the aircraft to be used in a way that results in the procurement of arms or related matériel from:
(a) Iran; or
(b) a person in Iran.
Penalty: 50 penalty units.

(2) The pilot in command of an Australian aircraft must not allow the aircraft to be used in a way that results in the procurement of arms or related matériel from:
(a) Iran; or
(b) a person in Iran.
Penalty: 50 penalty units.

(3) The operator of an Australian aircraft must not allow the aircraft to be used in a way that results in the procurement of arms or related matériel from:
(a) Iran; or
(b) a person in Iran.
Penalty: 50 penalty units.

(4) The owner of an Australian ship must not allow the ship to be used in a way that results in the procurement of arms or related matériel from:
(a) Iran; or
(b) a person in Iran.
Penalty: 50 penalty units.

(5) The master of an Australian ship must not allow the ship to be used in a way that results in the procurement of arms or related matériel from:
(a) Iran; or
(b) a person in Iran.
Penalty: 50 penalty units.

(6) The operator of an Australian ship must not allow the ship to be used in a way that results in the procurement of arms or related matériel from:
(a) Iran; or
(b) a person in Iran.

Penalty: 50 penalty units.

(7) Subregulations (1) to (6) apply regardless of whether the arms or matériel originated in Iran.

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.