



Charter of the United Nations (Sanctions — Somalia) Regulations 2006¹

Select Legislative Instrument 2006 No. 302

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 16 November 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

ALEXANDER DOWNER
Minister for Foreign Affairs

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Part 1 Preliminary

- 1 Name of Regulations**
 These Regulations are the *Charter of the United Nations (Sanctions — Somalia) Regulations 2006*.
- 2 Commencement**
 These Regulations commence on the day after they are registered.

Regulation 4

3 Object

The object of these Regulations is to assist in giving effect to Resolution 733, Resolution 751, Resolution 1356, Resolution 1425 and Resolution 1474 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 any recipient in Somalia; 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 Somalia; and
 - (b) preventing the use of Australian aircraft and ships in relation to a matter mentioned in subparagraph (a) (i);
- otherwise than in accordance with those Resolutions.

4 Definitions

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).

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 11 of Resolution 751.

Regulation 5

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).

protective clothing includes protective military jackets and helmets.

Resolution 733 means Resolution 733 (1992) of the Security Council of the United Nations, adopted on 23 January 1992.

Resolution 751 means Resolution 751 (1992) of the Security Council of the United Nations, adopted on 24 April 1992.

Resolution 1356 means Resolution 1356 (2001) of the Security Council of the United Nations, adopted on 19 June 2001.

Resolution 1425 means Resolution 1425 (2002) of the Security Council of the United Nations, adopted on 22 July 2002.

Resolution 1474 means Resolution 1474 (2003) of the Security Council of the United Nations, adopted on 8 April 2003.

5 Extra-territorial operation of Regulations

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

Regulation 7

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 any recipient in Somalia.

Penalty: 50 penalty units.

- (2) Subject to subregulation (3), subregulation (1) does not apply in relation to a sale or supply of:
- (a) non-lethal military equipment intended solely for humanitarian or protective use; or
 - (b) 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.
- (3) For paragraph (2) (a), the sale or supply must be approved in advance by the Committee.
- (4) 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*.

Regulation 8

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 (including financing and financial assistance), advice or training relating to military activities to any recipient in Somalia.

Penalty: 50 penalty units.

- (2) Subject to subregulation (3), subregulation (1) does not apply in relation to the provision of assistance, advice or training relating to non-lethal military equipment intended solely for humanitarian or protective use.
- (3) For subregulation (2), the provision must be approved in advance by the Committee.
- (4) Strict liability applies to the circumstance that a provision of assistance, advice or training is approved in advance by the Committee.

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

Part 3 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 any recipient in Somalia.

Penalty: 50 penalty units.

- (2) The owner, master or operator of an Australian ship 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 Somalia.

Penalty: 50 penalty units.

- (3) Subject to subregulation (4), subregulations (1) and (2) do not apply in relation to a sale or supply of:
- (a) non-lethal military equipment intended solely for humanitarian or protective use; or
 - (b) 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.
- (4) For paragraph (3) (a), the sale or supply must be approved in advance by the Committee.
- (5) Strict liability applies to the circumstance that a sale or supply is notified in advance to the Committee.

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

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.