



# **Charter of the United Nations (Sanctions — Libyan Arab Jamahiriya) Amendment Regulations 2011 (No. 1)<sup>1</sup>**

## **Select Legislative Instrument 2011 No. 50**

---

I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Charter of United Nations Act 1945*.

Dated 21 April 2011

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

ROBERT McCLELLAND  
Attorney-General for Minister for Foreign Affairs

---

**1 Name of Regulations**

These Regulations are the *Charter of the United Nations (Sanctions — Libyan Arab Jamahiriya) Amendment Regulations 2011 (No. 1)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Charter of the United Nations (Sanctions — Libyan Arab Jamahiriya) Regulations 2011***

Schedule 1 amends the *Charter of the United Nations (Sanctions — Libyan Arab Jamahiriya) Regulations 2011*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 3, after definition of *Act***

*insert*

***aircraft*** has the meaning given by subsection 3 (1) of the *Air Navigation Act 1920*.

***Airservices Australia*** means the body established under subsection 7 (1) of the *Air Services Act 1995*.

**[2] Regulation 3, after definition of *Australian ship***

*insert*

***Australian territory*** has the meaning given by subsection 3 (1) of the *Air Navigation Act 1920*.

***CASA*** has the meaning given by subsection 3 (1) of the *Air Navigation Act 1920*.

---

2	<i>Charter of the United Nations (Sanctions — Libyan Arab Jamahiriya) Amendment Regulations 2011 (No. 1)</i>	2011, 50
---	--	----------

---

**[3] Regulation 3, definition of *controlled asset***

*substitute*

***controlled asset*** means an asset owned or controlled by:

- (a) a designated person or entity; or
- (b) a person or entity acting on behalf of, or at the direction of, a designated person or entity; or
- (c) an entity owned or controlled by a designated person or entity, including through illicit means.

**[4] Regulation 3, definition of *designated person or entity***

*substitute*

***designated person or entity*** means:

- (a) a person designated in Annex II of Resolution 1970; or
- (b) a person or entity designated in Annex II of Resolution 1973; or
- (c) a person or entity designated by the Committee or Security Council for paragraph 17 of Resolution 1970.

**[5] Regulation 3, after definition of *import sanctioned goods***

*insert*

***Libyan Arab Jamahiriya entity*** means:

- (a) an entity (the ***first entity***) incorporated in the Libyan Arab Jamahiriya or subject to the jurisdiction of the Libyan Arab Jamahiriya; or
- (b) a person or entity acting on behalf of, or at the direction of, the first entity; or
- (c) an entity controlled by the first entity.

**[6] Regulation 3, after definition of *paramilitary equipment***

*insert*

***pilot in command*** has the meaning given by subsection 3 (1) of the *Air Navigation Act 1920*.

**[7] Regulation 3, after definition of *Resolution 1970***

*insert*

***Resolution 1973*** means Resolution 1973 (2011) of the Security Council of the United Nations, adopted on 17 March 2011.

**[8] Subregulations 7 (2) and (3)**

*substitute*

- (2) The Minister may grant a permit only if the sanctioned supply:
- (a) is a supply of non-lethal military equipment that is:
    - (i) intended solely for humanitarian or protective use; and
    - (ii) approved in advance by the Committee; or
  - (b) is a supply of protective clothing (including flak jackets and military helmets) temporarily exported to the Libyan Arab Jamahiriya by United Nations personnel, representatives of the media and associated personnel, for their personal use only; or
  - (c) is a supply of arms or related matériel that is:
    - (i) to give effect to paragraph 4 of Resolution 1973; and
    - (ii) notified in advance to the Committee; or
  - (d) is a supply of arms or related matériel that is:
    - (i) not a supply of arms and related matériel mentioned in paragraph (a), (b) or (c); and
    - (ii) approved in advance by the Committee.

**[9] Subregulation 7 (4)**

*renumber as subregulation 7 (3)*

---

**[10] Subregulations 10 (1) and (2)***substitute*

- (1) The Minister may, on application, grant a person a permit authorising the provision of a sanctioned service.

*Note* Section 13A of the Act applies to a permit granted by the Minister under this subregulation.

- (2) The Minister may grant a permit only if the sanctioned service:
- (a) consists of technical assistance and training that is:
    - (i) related to the supply of non-lethal military equipment intended solely for humanitarian or protective use; and
    - (ii) approved in advance by the Committee; or
  - (b) consists of technical assistance, personnel and training that is:
    - (i) related to the supply of arms or related matériel to give effect to paragraph 4 of Resolution 1973; and
    - (ii) notified in advance to the Committee; or
  - (c) consists of assistance and personnel that is:
    - (i) related to the supply of arms and related matériel that are not arms or related matériel mentioned in subparagraph (a) (i) or (b) (i); and
    - (ii) approved in advance by the Committee.

**[11] After regulation 13***insert***13A Prohibition relating to Libyan Arab Jamahiriya aircraft**

A person contravenes this regulation if:

- (a) the person is the pilot in command of an aircraft registered in the Libyan Arab Jamahiriya or owned or operated by:
- (i) a national of the Libyan Arab Jamahiriya; or
  - (ii) a Libyan Arab Jamahiriya entity; and

- (b) the aircraft lands in, takes off from or flies over Australian territory; and
- (c) the Committee has not approved, in advance, the landing, take-off or flyover; and
- (d) for a landing — the landing is not made in an emergency.

**13B      When CASA or Airservices Australia must deny authorisation for aircraft**

CASA or Airservices Australia must deny authorisation for an aircraft to land in, take off from or fly over Australian territory if:

- (a) CASA or Airservices Australia has reasonable grounds to believe that goods or personnel prohibited by paragraph 9 of Resolution 1970, paragraph 18 of Resolution 1973, or any other relevant resolution of the Security Council, are on board the aircraft; or
- (b) the Chief Executive Officer of a designated Commonwealth entity:
  - (i) has reasonable grounds to believe that goods or personnel prohibited by paragraph 9 of Resolution 1970, paragraph 18 of Resolution 1973, or any other relevant resolution of the Security Council, are on board the aircraft; and
  - (ii) informs CASA or Airservices Australia of that belief.

**13C      Prohibition relating to aircraft carrying goods prohibited by Security Council resolutions**

A person contravenes this regulation if:

- (a) the person is a pilot in command of an aircraft; and
- (b) CASA or Airservices Australia has denied authorisation under regulation 13B for the aircraft to land in, take off from or fly over Australian territory; and
- (c) the aircraft lands in, takes off from or flies over Australian territory; and
- (d) for a landing — the landing is not made in an emergency.

---

**[12] Before Part 3***insert***Part 2A Other matters****13D No claim for breach of contract or failure to perform transaction**

- (1) This regulation applies to:
  - (a) the Government of the Libyan Arab Jamahiriya; and
  - (b) the following persons and entities:
    - (i) a national of the Libyan Arab Jamahiriya or a person or entity subject to the jurisdiction of the Libyan Arab Jamahiriya;
    - (ii) a designated person or entity;
    - (iii) a person or entity able to claim through, or for the benefit of, the Government of the Libyan Arab Jamahiriya or a person or entity mentioned in subparagraph (i) or (ii).
- (2) The Government of the Libyan Arab Jamahiriya or the person or entity must not make a claim or demand, or take any action, against another person or entity for breach of contract or a failure to perform a transaction if the performance of the contract or transaction was prevented:
  - (a) under these Regulations; or
  - (b) because of measures contained in Resolution 1970, Resolution 1973 or any other relevant resolution of the Security Council.
- (3) This regulation has effect despite any other law of the Commonwealth or any law of a State or Territory.

---

**Note**

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