



Autonomous Sanctions Regulations 2011

Select Legislative Instrument No. 247, 2011 as amended

made under the

Autonomous Sanctions Act 2011

Compilation start date: 27 July 2013

Includes amendments up to: SLI No. 198, 2013

Prepared by the Office of Parliamentary Counsel, Canberra

About this compilation

This compilation

This is a compilation of the *Autonomous Sanctions Regulations 2011* as in force on 27 July 2013. It includes any commenced amendment affecting the legislation to that date.

This compilation was prepared on 10 September 2013.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of each amended provision.

Uncommenced amendments

The effect of uncommenced amendments is not reflected in the text of the compiled law but the text of the amendments is included in the endnotes.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If a provision of the compiled law is affected by a modification that is in force, details are included in the endnotes.

Provisions ceasing to have effect

If a provision of the compiled law has expired or otherwise ceased to have effect in accordance with a provision of the law, details are included in the endnotes.

Contents

Part 1—Preliminary	1
1 Name of Regulations	1
2 Commencement	1
3 Definitions	1
Part 2—Autonomous sanctions	7
4 Sanctioned supply	7
4A Sanctioned imports	9
5 Sanctioned service	10
5A Sanctioned commercial activity	14
6 Designation of persons or entities	17
7 Designating controlled assets	20
8 Sanctioned vessels	21
9 Duration of designation under regulation 6, 7 or 8 or declaration under regulation 6	21
10 Revocation of designation under regulation 6, 7 or 8 or declaration under regulation 6	23
11 Application for revocation of designation under regulation 6, 7 or 8 or declaration under regulation 6	24
Part 3—Sanctions laws	25
12 Prohibitions relating to a sanctioned supply	25
12A Prohibitions relating to sanctioned import	26
13 Prohibitions relating to the provision of sanctioned services	26
13A Prohibitions relating to engaging in sanctioned commercial activity	27
14 Prohibition of dealing with designated persons or entities	28
15 Prohibition of dealing with controlled assets	29
16 Prohibitions relating to sanctioned vessels	29
17 Forfeiture of sanctioned vessels	30
Part 4—Authorisations	32
18 Minister may grant permits	32
19 Minister may waive operation of declaration under paragraph 6 (1) (b) or (2) (b)	32
20 Permit for assets and controlled assets	33
Part 5—Dealing with assets	36
21 Advance notice of listing of persons, entities and assets	36
22 Consolidated list of entities, persons and assets	36

23 Request to AFP for help	37
24 Informing AFP of opinion about asset.....	38
25 Protection of information.....	38
Part 6—Miscellaneous	40
26 Delegations by Minister.....	40
Endnotes	41
Endnote 1—About the endnotes	41
Endnote 2—Abbreviation key	43
Endnote 3—Legislation history	44
Endnote 4—Amendment history	45
Endnote 5—Uncommenced amendments [none]	46
Endnote 6—Modifications [none]	46
Endnote 7—Misdescribed amendments [none]	46
Endnote 8—Miscellaneous [none]	46

Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Autonomous Sanctions Regulations 2011*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Definitions

In these Regulations:

Act means the *Autonomous Sanctions Act 2011*.

AFP means the Australian Federal Police.

arms or related matériel includes any of the following:

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

Australia Group Common Control Lists means the following lists, adopted by the Australia Group:

- (a) Chemical Weapons Precursors;
- (b) Dual-use chemical manufacturing facilities and equipment and related technology and software;
- (c) Dual-use biological equipment and related technology and software;
- (d) Biological agents;
- (e) Plant pathogens;
- (f) Animal pathogens.

Regulation 3

Note: The Australia Group Common Control Lists are located at <http://www.australiagroup.net>.

authorised commercial activity means a sanctioned commercial activity authorised by a permit granted under paragraph 18 (1) (c).

authorised import means a sanctioned import authorised by a permit granted under paragraph 18 (1) (b).

authorised service means a sanctioned service authorised by a permit granted under regulation 18.

authorised supply means a sanctioned supply authorised by a permit granted under regulation 18.

brokering services means:

- (a) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or of financial and technical services, including from a third country to any other third country; or
- (b) the selling or buying of goods and technology or of financial and technical services, including where they are located in third countries for their transfer to another third country.

commencement day means the day on which these Regulations commence.

controlled asset means an asset owned or controlled by a designated person or entity.

correspondent banking relationship has the meaning given in section 5 of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

designated asset means a controlled asset to which a designation relates under regulation 7.

designated person or entity means a person or entity that has been designated under paragraph 6 (1) (a) or (2) (a).

Regulation 3

Note: A person may also be declared under paragraph 6 (1) (b) or (2) (b) for the purpose of preventing the person from travelling to, entering or remaining in Australia.

DPRK means the Democratic People's Republic of Korea.

export sanctioned goods means:

- (a) the goods in the table in subregulation 4 (2); and
- (b) goods designated under subregulation 4 (3).

FFRY means the former Federal Republic of Yugoslavia.

financial institution means a natural or legal person that conducts, as a business, one or more of the following for, or on behalf of, a customer:

- (a) the acceptance of deposits and other repayable funds from the public;
- (b) the lending of money;
- (c) financial leasing, other than the financial leasing of a consumer product;
- (d) the transfer of money or value, other than the provision of message or other support for the purpose of transmitting money;
- (e) the issue and management of means of payment;
- (f) the giving of financial guarantees and commitments;
- (g) trading in money market instruments;
- (h) trading foreign exchange;
- (i) trading in exchange instruments;
- (j) trading in interest rate instruments;
- (k) trading in interest index instruments;
- (l) trading in transferable securities;
- (m) trading in commodity futures;
- (n) participation in the issue of securities and the provision of financial services in relation to the issue of securities;
- (o) the management of individual or collective portfolios;
- (p) the safekeeping and administration of cash or liquid securities;

Regulation 3

- (q) the investment, administration or management of funds or money;
- (r) the underwriting and placement of life insurance and other insurance that is related to investments;
- (s) money changing and other currency changing.

Examples of means of payment for paragraph (e)

- 1 Credit and debit cards.
- 2 Cheques.
- 3 Travellers' cheques.
- 4 Money orders.
- 5 Bankers' drafts.
- 6 Electronic money.

financial service includes:

- (a) an investment service; and
- (b) a service providing financial advice; and
- (c) a brokering service; and
- (d) insurance; and
- (e) reinsurance; and
- (f) financial derivatives.

gold, precious metals and diamonds means the following items:

- (a) diamonds, whether or not worked, but not mounted or set;
- (b) silver (including silver plated with gold or platinum), unwrought or in semi-manufactured forms, or in powder form;
- (c) gold (including gold plated with platinum), unwrought or in semi-manufactured forms, or in powder form;
- (d) base metals or silver, clad with gold, not further worked than semi-manufactured;
- (e) platinum, unwrought or in semi-manufactured forms, or in powder form;
- (f) base metals, silver or gold, clad with platinum, not further worked than semi-manufactured;
- (g) waste and scrap of:

Regulation 3

- (i) precious metal; or
- (ii) metal clad with precious metal;
- (h) other waste and scrap containing precious metal or precious-metal compounds, of a kind used principally for the recovery of precious metal.

ICTY means the International Criminal Tribunal for the former Yugoslavia.

immediate family member, of a person, means:

- (a) a spouse of the person; or
- (b) an adult child of the person; or
- (c) a spouse of an adult child of the person; or
- (d) a parent of the person; or
- (e) a brother, sister, step-brother or step-sister of the person; or
- (f) a spouse of a brother, sister, step-brother or step-sister of the person.

import sanctioned goods means goods designated under subregulation 4A (1).

insurance means an undertaking or commitment under which a person is obliged, in return for a payment, to provide a person, in the event of materialisation of a risk, with an indemnity or a benefit as determined by the undertaking or commitment.

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;

Regulation 3

- (f) parts and accessories designed or adapted for use in, or with, equipment mentioned in paragraphs (a) to (e).

petrochemical industry means production plants for the manufacturing of petrochemical products of a kind specified in an instrument under regulation 4A.

reinsurance means:

- (a) the activity of accepting risks ceded by an insurance undertaking or by another reinsurance undertaking; or
- (b) for the association of underwriters known as Lloyd's—the activity of accepting risks, ceded by any member of Lloyd's, by an insurance or reinsurance undertaking other than the association of underwriters known as Lloyd's.

sanctioned commercial activity has the meaning given by regulation 5A.

sanctioned import has the meaning given by regulation 4A.

sanctioned service has the meaning given by regulation 5.

sanctioned supply has the meaning given by regulation 4.

sanctioned vessel has the meaning given by regulation 8.

vessel means a vessel or boat of any description and includes a hovercraft and any floating structure, but does not include an installation.

Note: Other words and expressions used in these Regulations have the meaning given by section 4 of the Act, including:

- asset
- sanction law.

Part 2—Autonomous sanctions

4 Sanctioned supply

- (1) For these Regulations, a person makes a *sanctioned supply* if:
 - (a) the person supplies, sells or transfers goods to another person; and
 - (b) the goods are export sanctioned goods in relation to a country; and
 - (c) as a direct or indirect result of the supply, sale or transfer the goods are transferred:
 - (i) to that country; or
 - (ii) for use in that country; or
 - (iii) for the benefit of that country.
- (2) Goods mentioned in an item of the table are export sanctioned goods for the country mentioned in the item.

Countries and export sanctioned goods		
Item	Country	Goods
1	Fiji	Arms or related matériel.
2	Iran	(a) Arms or related matériel. (b) Goods mentioned in the Australia Group Common Control Lists, as existing from time to time. (c) Equipment and technology for the oil and gas industry, or the petrochemical industry, of a kind specified by the Minister in an instrument under this regulation. (d) Newly printed or unissued Iranian denominated bank notes or newly minted or unissued Iranian denominated coinage. (e) Graphite of a kind specified by the Minister in an instrument under this regulation. (f) Raw metals of a kind specified by the Minister in an instrument under this regulation. (g) Semi-finished metals of a kind specified by the Minister in

Regulation 4

Countries and export sanctioned goods		
Item	Country	Goods
		an instrument under this regulation.
		(h) Naval equipment of a kind specified by the Minister in an instrument under this regulation.
		(i) Naval technology of a kind specified by the Minister in an instrument under this regulation.
		(j) Software for integrating industrial processes, of a kind specified by the Minister in an instrument under this regulation.
		(k) Vessels designed for the transport or storage of oil, gas or petrochemical product.
3	Myanmar	Arms or related matériel.
4	Syria	<p>(a) Arms or related matériel.</p> <p>(b) Equipment and technology, for use in the construction or installation of new power plants for electricity, of a kind specified by the Minister in an instrument under this regulation.</p> <p>(c) Equipment and technology for the oil and gas industry, or the petrochemical industry, of a kind specified by the Minister in an instrument under this regulation.</p> <p>(d) Newly printed or unissued Syrian denominated bank notes or newly minted or unissued Syrian denominated coinage.</p> <p>(e) Equipment, technology or software for the monitoring or interception of internet or telephone communications, of a kind specified by the Minister in an instrument under this regulation.</p> <p>(f) Luxury goods, of a kind specified by the Minister in an instrument under this regulation.</p>
5	Zimbabwe	Arms or related matériel.

- (3) In addition to subregulation (2), the Minister may, by legislative instrument, designate goods as export sanctioned goods for a country mentioned in the designation.

Example

Equipment or technology related to the oil and gas industry.

Regulation 4A

- (4) For these Regulations, a person also makes a ***sanctioned supply*** if the person supplies, sells or transfers an item of gold, precious metals and diamonds to another person and, as a direct or indirect result of the supply, sale or transfer, the goods are transferred to:
- (a) the government of Iran; or
 - (b) a public body, corporation or agency of the government of Iran; or
 - (c) the government of Syria; or
 - (d) a public body, corporation or agency of the government of Syria; or
 - (e) a person entity or body acting on behalf or at the direction of an entity mentioned in paragraphs (a) to (d); or
 - (f) an entity or body owned or controlled by an entity mentioned in paragraphs (a) to (d).

4A Sanctioned imports

- (1) For these Regulations, a person makes a ***sanctioned import*** if:
- (a) the person:
 - (i) imports or purchases goods from another person; or
 - (ii) transports goods; and
 - (b) the goods are import sanctioned goods for a country.
- (2) Goods mentioned in an item of the table are import sanctioned goods for the country mentioned in the item if the goods originate in, or are exported from, the country.

Item	Country	Goods
1	Iran	(a) Crude oil products of a kind specified by the Minister in an instrument under this regulation
		(b) Petroleum products of a kind specified by the Minister in an instrument under this regulation
		(c) Petrochemical products of a kind specified by the Minister in an instrument under this regulation
2	Syria	(a) Crude oil products of a kind specified by the Minister in an instrument under this regulation
		(b) Petroleum products of a kind specified by the

Regulation 5

Item	Country	Goods
		Minister in an instrument under this regulation
		(c) Petrochemical products of a kind specified by the Minister in an instrument under this regulation
		(d) Natural gas products of a kind specified by the Minister in an instrument under this regulation

- (3) In addition to subregulation (2), the Minister may, by legislative instrument, designate goods as import sanctioned goods for a country mentioned in the designation.
- (4) For these Regulations, a person also makes a **sanctioned import** if the person imports or purchases an item of gold, precious metals and diamonds from:
- (a) the government of Iran; or
 - (b) a public body, corporation or agency of the government of Iran; or
 - (c) the government of Syria; or
 - (d) a public body, corporation or agency of the government of Syria; or
 - (e) a person entity or body acting on behalf or at the direction of an entity mentioned in paragraphs (a) to (d); or
 - (f) an entity or body owned or controlled by an entity mentioned in paragraphs (a) to (d).

5 Sanctioned service

- (1) For these Regulations, a **sanctioned service** is the provision to a person of:
- (a) technical advice, assistance or training; or
 - (b) financial assistance; or
 - (c) a financial service; or
 - (d) another service;
- if it assists with, or is provided in relation to, a sanctioned supply.
- (2) For these Regulations, a **sanctioned service** is also the provision to a person of:
- (a) financial assistance; or

Regulation 5

- (b) a financial service;
if it assists with, or is provided in relation to, a sanctioned import.
- (3) For these Regulations, a ***sanctioned service*** is also the provision of a service mentioned in an item of the following table in respect of an oil tanker or cargo vessel:
- (a) flying the flag of the Islamic Republic of Iran; or
(b) owned, chartered or operated, directly or indirectly, by an Iranian person, entity or body.

Services	
Item	Service
1	A classification service of any kind.
2	<p>The supervision of, or participation in, the design, construction or repair of ships and their parts, including any of the following:</p> <p>(a) blocks; (b) elements; (c) machinery; (d) electrical installations; (e) control installation;</p> <p>as well as any related technical assistance, financing or financial assistance.</p>
3	The inspection, testing or certification of marine equipment, materials or components as well as the supervision of the installation on board and the supervision of system integration.
4	<p>The carrying out of surveys, inspections, audits or visits and the issuance, renewal or endorsement of the relevant certificates and documents of compliance, on behalf of the flag State administration, in accordance with any of the following:</p> <p>(a) the International Convention for the Safety of Life at Sea, 1974 (<i>SOLAS 1974</i>), as amended and its 1988 Protocol;</p> <p>(b) the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (<i>MARPOL 73/78</i>), as amended;</p> <p>(c) the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (<i>COLREGs 1972</i>), as amended;</p> <p>(d) the International Convention on Load Lines, 1966 (<i>LL 1966</i>) and its 1988 Protocol;</p>

Regulation 5

Services	
Item	Service
	(e) the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (<i>STCW</i>), as amended;
	(f) the International Convention on Tonnage Measurement of Ships, 1969 (<i>TONNAGE 1969</i>).

Examples: Classification services include the following:

- (a) the production and application of classification rules or technical specifications concerning the design, construction, equipment and maintenance of ships, as well as shipboard management systems;
 - (b) the carrying out of surveys and inspections in accordance with classification rules and procedures;
 - (c) the assignment of a class notation and the delivery, endorsement or renewal of certificates of compliance with classification rules or specifications.
- (4) For these Regulations, a **sanctioned service** is also, for a country mentioned in an item of the following table, the provision to the country, or a person for use in the country, of:
- (a) technical advice, assistance or training; or
 - (b) financial assistance; or
 - (c) a financial service; or
 - (d) another service;
- if it assists with, or is provided in relation to, an activity mentioned in the item.

Countries and activities		
Item	Country	Activity
1	Fiji	(a) A military activity. (b) The manufacture, maintenance or use of an export sanctioned good for Fiji.
2	Iran	(a) A military activity. (b) The manufacture, maintenance or use of an export sanctioned good for Iran.
3	Myanmar	(a) A military activity.

Regulation 5

Countries and activities		
Item	Country	Activity
		(b) The manufacture, maintenance or use of an export sanctioned good for Myanmar.
4	Syria	(a) A military activity. (b) The manufacture, maintenance or use of an export sanctioned good for Syria.
5	Zimbabwe	(a) A military activity. (b) The manufacture, maintenance or use of an export sanctioned good for Zimbabwe.

- (5) For these Regulations, a ***sanctioned service*** is also, for an entity or person mentioned in an item of the following table, the provision to the entity or person of:
- (a) technical advice, assistance or training; or
 - (b) financial assistance; or
 - (c) a financial service; or
 - (d) another service;
- if it assists with, or is provided in relation to, an activity involving the supply, sale, transfer, import, purchase or transport of an item of gold, precious metals and diamonds.

Entities and persons	
Item	Entity or person
1	The government of Iran.
2	A public body, corporation, or agency of the government of Iran.
3	The government of Syria.
4	A public body, corporation, or agency of the government of Syria.
5	A person, entity or body acting on behalf or at the direction of an entity mentioned in any of items 1 to 4.
6	An entity or body owned or controlled by an entity mentioned in any of items 1 to 5.

Regulation 5A

5A Sanctioned commercial activity

- (1) For these Regulations, *sanctioned commercial activity* means:
- (a) the acquisition by a person of an interest in an entity or a person mentioned in an item of the table; and
 - (b) the extension by a person of an interest in an entity or a person mentioned in an item of the table; and
 - (c) the establishment by a person of a joint venture with an entity or a person mentioned in an item of the table; and
 - (d) participation by a person in a joint venture with an entity or a person mentioned in an item of the table (including a subsidiary of that entity or person); and
 - (e) the granting by a person of a financial loan or credit to an entity or a person mentioned in an item of the table.

Item	Entity or person
1	An entity in Iran that is engaged in: <ul style="list-style-type: none"> (a) the Iranian petrochemical industry; or (b) any of the following sectors of the Iranian oil and gas industry: <ul style="list-style-type: none"> (i) refining of fuels; (ii) exploration of crude oil or natural gas; (iii) production of crude oil or natural gas; (iv) liquefaction of natural gas
2	An Iranian entity engaged in a sector mentioned in item 1 outside Iran
3	An Iranian-owned entity engaged in a sector mentioned in item 1 outside Iran
4	An entity in Syria that is engaged in: <ul style="list-style-type: none"> (a) the Syrian petrochemical industry; or (b) any of the following sectors of the Syrian oil and gas industry: <ul style="list-style-type: none"> (i) refining of fuels; (ii) exploration of crude oil or natural gas; (iii) production crude oil or natural gas; (iv) liquefaction of natural gas
5	A Syrian entity engaged in a sector mentioned in item 4 outside Syria
6	A Syrian-owned entity engaged in a sector mentioned in item 4

Regulation 5A

Item	Entity or person
	outside Syria
7	An entity in Syria engaged in the construction or installation of new power plants for electricity production

(2) For these Regulations, ***sanctioned commercial activity*** also means:

- (a) the sale by a person, to an entity or a person mentioned in an item of the table, of an interest in a commercial activity in Australia in any of the following sectors of the oil and gas industry:
 - (i) refining of fuels;
 - (ii) exploration of crude oil and natural gas;
 - (iii) production of crude oil and natural gas;
 - (iv) liquefaction of natural gas; and
- (b) the making available by a person (otherwise than by sale), to an entity or a person mentioned in an item of the table, of an interest in a commercial activity in Australia in any of the following sectors of the oil and gas industry:
 - (i) refining of fuels;
 - (ii) exploration of crude oil and natural gas;
 - (iii) production of crude oil and natural gas;
- (iv) liquefaction of natural gas.

Item	Entity or person
1	The government of Iran
2	Any natural person in, or resident in, Iran
3	An entity formed or incorporated in Iran
4	The government of Syria
5	Any natural person in, or resident in, Syria
6	An entity formed or incorporated in Syria
7	An entity or person acting on behalf of an entity or a person mentioned in items 1 to 6
8	An entity or person acting at the direction of an entity or a person mentioned in items 1 to 6
9	An entity owned or controlled by a person or entity mentioned in

Regulation 5A

Item	Entity or person
	items 1 to 6

- (3) For these Regulations, ***sanctioned commercial activity*** also means:
- (a) the opening in Australia of a representative office of an entity or person mentioned in an item of the table; and
 - (b) the establishment in Australia of a branch or subsidiary of an entity or person mentioned in an item of the table; and
 - (c) the conclusion by a person of an agreement, for or on behalf of an entity or person mentioned in an item of the table, related to:
 - (i) the opening in Australia of a representative office of that entity or person; or
 - (ii) the establishment in Australia of a branch or subsidiary of that entity or person; and
 - (d) the acquisition or extension of an interest in an Australian financial institution by an entity or person mentioned in an item of the table; and
 - (e) the sale by a person of an interest in an Australian financial institution to an entity or person mentioned in an item of the table; and
 - (f) the making available by a person (other than by sale) of an interest in an Australian financial institution to an entity or person mentioned in an item of the table.

Item	Entity or person
1	A financial institution domiciled in Iran
2	A branch or a subsidiary, wherever located, of a financial institution domiciled in Iran
3	A financial institution, wherever domiciled, that is controlled by an entity or a person domiciled in Iran
4	A financial institution domiciled in Syria
5	A branch or a subsidiary, wherever located, of a financial institution domiciled in Syria
6	A financial institution, wherever domiciled, that is controlled by an entity or a person domiciled in Syria

Regulation 6

- (4) For these Regulations, ***sanctioned commercial activity*** also means:
- (a) the establishment by a financial institution of a joint venture with an entity or person mentioned in an item of the table; and
 - (b) the establishment by a financial institution of a correspondent banking relationship with an entity or person mentioned in an item of the table; and
 - (c) the opening by a financial institution of a representative office in Iran or Syria; and
 - (d) the establishment by a financial institution of a branch or subsidiary in Iran or Syria; and
 - (e) the opening by a financial institution of a bank account with an entity or person mentioned in an item of the table.

Item	Entity or person
1	A financial institution domiciled in Iran
2	A branch or a subsidiary, wherever located, of a financial institution domiciled in Iran
3	A financial institution, wherever domiciled, that is controlled by a person or entity domiciled in Iran
4	A financial institution domiciled in Syria
5	A branch or a subsidiary, wherever located, of a financial institution domiciled in Syria
6	A financial institution, wherever domiciled, that is controlled by a person or entity domiciled in Syria

6 Designation of persons or entities

- (1) For paragraph 10 (1) (a) of the Act, the Minister may, by legislative instrument, do either or both of the following:
- (a) designate a person or entity mentioned in an item of the table as a ***designated person or entity*** for the country mentioned in the item;
 - (b) declare a person mentioned in an item of the table for the purpose of preventing the person from travelling to, entering or remaining in Australia.

Regulation 6

Countries, persons and entities		
Item	Country	Activity
1	DPRK	A person or entity that the Minister is satisfied is associated with the DPRK's weapons of mass-destruction program or missiles program.
2	FFRY	<p>(a) A person who has been indicted for an offence by the ICTY (whether or not the person has been convicted of the offence).</p> <p>(b) A person who has been indicted for an offence within the jurisdiction of the ICTY by a domestic court in Bosnia-Herzegovina, Croatia or Serbia (whether or not the person has been convicted of the offence).</p> <p>(c) A person who is subject to an Interpol arrest warrant related to an offence within the jurisdiction of the ICTY.</p> <p>(d) A person who the Minister is satisfied is a supporter of the former regime of Slobodan Milosevic.</p> <p>(e) A person who is suspected of assisting a person who is:</p> <p style="padding-left: 20px;">(i) indicted by the ICTY; and</p> <p style="padding-left: 20px;">(ii) not currently detained by the ICTY.</p>
3	Fiji	<p>(a) Commodore Josaia Voreqe Bainimarama.</p> <p>(b) A person who the Minister is satisfied is a supporter of the coup with which Commodore Bainimarama is associated, based on any combination of the person's position, actions and statements.</p> <p>(c) A Minister of the interim government.</p> <p>(d) An officer of the Republic of Fiji Military Forces of the rank of Warrant Officer or higher.</p> <p>(e) An immediate family member of a person mentioned in paragraph (a), (b), (c) or (d).</p> <p>(f) A member of the Republic of Fiji Military Forces.</p> <p>(g) A person who the Minister is satisfied is a senior public servant appointed by the interim government.</p> <p>(h) A person appointed to, or otherwise engaged on, a government board or a quasi-government board by the interim government.</p> <p>(i) A member of the judiciary of Fiji.</p>
4	Iran	(a) A person or entity that the Minister is satisfied has

Regulation 6

Countries, persons and entities		
Item	Country	Activity
		<p>contributed to, or is contributing to, Iran's nuclear or missile programs.</p> <p>(b) A person or entity that the Minister is satisfied has assisted, or is assisting, Iran to violate:</p> <p>(i) Resolution 1737, 1747, 1803 or 1929 of the United Nations Security Council; or</p> <p>(ii) a subsequent resolution relevant to a resolution mentioned in subparagraph (i).</p>
5	Libya	<p>(a) A person who the Minister is satisfied was a close associate of the former Qadhafi regime.</p> <p>(b) An entity that the Minister is satisfied is under the control of one or more members of Muammar Qadhafi's family.</p> <p>(c) A person or entity that the Minister is satisfied has assisted, or is assisting, in the violation of:</p> <p>(i) Resolution 1970 or 1973 of the United Nations Security Council; or</p> <p>(ii) a subsequent resolution relevant to a resolution mentioned in subparagraph (i).</p> <p>(d) An immediate family member of a person mentioned in paragraph (a) or (c).</p>
6	Myanmar	<p>(a) A former member of the State Peace and Development Council (SPDC).</p> <p>(b) A person who the Minister is satisfied is a business associate of the Myanmar military.</p> <p>(c) A current or former minister or a current or former deputy minister.</p> <p>(d) A current or former military officer of the rank of Brigadier-General or higher.</p> <p>(e) A senior official in any of Myanmar's security or corrections agencies.</p> <p>(f) A current or former senior officeholder of the Union Solidarity and Development Party (USDP) or the Union Solidarity and Development Association (USDA).</p> <p>(g) A senior official or executive in a state-owned or a military-owned enterprise.</p>

Regulation 7

Countries, persons and entities		
Item	Country	Activity
		(h) An immediate family member of a person mentioned in any of paragraphs (a) to (g).
7	Syria	(a) A person or entity that the Minister is satisfied is providing support to the Syrian regime. (b) A person or entity that the Minister is satisfied is responsible for human rights abuses in Syria, including: (i) the use of violence against civilians; and (ii) the commission of other abuses.
8	Zimbabwe	A person or entity that the Minister is satisfied is engaged in, or has engaged in, activities that seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe.

- (2) For paragraph 10 (1) (a) of the Act, the Minister may, by legislative instrument, do either or both of the following:
- (a) designate a person or entity as a ***designated person or entity*** if the Minister is satisfied that the person or entity is contributing to the proliferation of weapons of mass destruction;
 - (b) declare a person for the purpose of preventing the person from travelling to, entering or remaining in Australia if the Minister is satisfied that the person is contributing to the proliferation of weapons of mass destruction.

7 Designating controlled assets

For paragraph 10 (1) (b) of the Act, the Minister may, by legislative instrument, designate a controlled asset as a ***designated asset***.

8 Sanctioned vessels*Designation of vessels*

- (1) For paragraph 10 (1) (b) of the Act, the Minister may, by legislative instrument:
 - (a) designate a vessel as a **sanctioned vessel** for a country mentioned in the designation; or
 - (b) designate each vessel in a class of vessels as a **sanctioned vessel** for a country mentioned in the designation.
- (2) A vessel is not required to be owned, registered or flagged by the country mentioned in the designation.
- (3) A sanctioned vessel does not cease to be a sanctioned vessel solely because:
 - (a) its name is changed; or
 - (b) the flag under which it is operated changes; or
 - (c) its registration is changed.

Directions to sanctioned vessels

- (4) The Minister may direct a sanctioned vessel to:
 - (a) leave Australia, including by a particular route; or
 - (b) not enter a particular port or place, or any port or place, in Australia.
- (5) Before giving the direction, the Minister must have regard to Australia's obligations at international law.
- (6) A direction given under subregulation (4) in writing is not a legislative instrument.

9 Duration of designation under regulation 6, 7 or 8 or declaration under regulation 6

- (1) A designation made under paragraph 6 (1) (a) or (2) (a), regulation 7 or paragraph 8 (1) (a) or (b) ceases to have effect on:

Regulation 9

- (a) if no declaration under subregulation (3) has been made in relation to the designation—the third anniversary of the day on which the designation took effect; or
 - (b) otherwise—the third anniversary of the making of the most recent declaration under subregulation (3) in relation to the designation.
- (2) A declaration made under paragraph 6 (1) (b) or (2) (b) ceases to have effect on:
 - (a) if no declaration under subregulation (3) has been made in relation to the declaration—the third anniversary of the day on which the declaration took effect; or
 - (b) otherwise—the third anniversary of the making of the most recent declaration under subregulation (3) in relation to the declaration.
- (3) The Minister may, by legislative instrument, declare that a designation or declaration specified in the instrument continues to have effect.
- (4) The Minister must not:
 - (a) make a declaration under subregulation (3) in relation to a designation made under paragraph 6 (1) (a) unless the Minister is satisfied that the person or entity to which the designation relates is mentioned in an item of the table in subregulation 6 (1); or
 - (b) make a declaration under subregulation (3) in relation to a designation made under paragraph 6 (2) (a) unless the Minister is satisfied that the person or entity to which the designation relates is contributing to the proliferation of weapons of mass destruction; or
 - (c) make a declaration under subregulation (3) in relation to a designation made under regulation 7 unless the Minister is satisfied on reasonable grounds that the asset to which the designation relates is a controlled asset.
- (5) To avoid doubt:
 - (a) subregulation (1) does not prevent the revocation, under regulation 10, of a designation; and

Regulation 10

- (b) subregulation (1) does not prevent the making, under paragraph 6 (1) (a) or (2) (a), regulation 7 or paragraph 8 (1) (a) or (b), of a new designation that is the same in substance as another designation (whether the new designation is made or takes effect before or after the other designation ceases to have effect because of subregulation (1)); and
- (c) subregulation (2) does not prevent the revocation, under regulation 10, of a declaration; and
- (d) subregulation (2) does not prevent the making, under paragraph 6 (1) (b) or (2) (b), of a new declaration that is the same in substance as another declaration (whether the new declaration is made or takes effect before or after the other declaration ceases to have effect because of subregulation (2)).

10 Revocation of designation under regulation 6, 7 or 8 or declaration under regulation 6

- (1) The Minister may, by legislative instrument, revoke:
 - (a) a designation made under paragraph 6 (1) (a) or (2) (a), regulation 7 or paragraph 8 (1) (a) or (b); or
 - (b) a declaration made under paragraph 6 (1) (b) or (2) (b).
- (2) The Minister may revoke a designation or declaration on the Minister's initiative.
- (3) The Minister may also revoke:
 - (a) a designation made under paragraph 6 (1) (a) or (2) (a); or
 - (b) a declaration made under paragraph 6 (1) (b) or (2) (b);on application by the designated person or entity to which the designation relates.
- (4) The Minister may also revoke a designation made under regulation 7 on application by the designated person or entity that owns or controls the designated asset to which the designation relates.

Note: See regulation 11.

Note: See regulation 11.

Regulation 11

- (5) The Minister may also revoke a designation made under paragraph 8 (1) (a) or (b) on application by:
- (a) the owner of the sanctioned vessel to which the designation relates; or
 - (b) the person who controls the sanctioned vessel to which the designation relates.

Note: See regulation 11.

11 Application for revocation of designation under regulation 6, 7 or 8 or declaration under regulation 6

- (1) For regulation 10:
- (a) a designated person or entity may apply to the Minister to revoke the designation of the person or entity; and
 - (b) a person who has been declared under paragraph 6 (1) (b) or (2) (b) may apply to the Minister to revoke the declaration of the person; and
 - (c) a person or entity that owns or controls a designated asset may apply to the Minister to revoke the designation of the asset; and
 - (d) the owner of a sanctioned vessel may apply to the Minister to revoke the designation of the vessel; and
 - (e) a person who controls a sanctioned vessel may apply to the Minister to revoke the designation of the vessel.
- (2) The application must:
- (a) be in writing; and
 - (b) set out the circumstances relied upon to justify the application.
- (3) The Minister is not required to consider an application (the **current application**) by a person or entity under this regulation if the person or entity has made an application under this regulation within one year before the current application.

Part 3—Sanctions laws

12 Prohibitions relating to a sanctioned supply

- (1) A person contravenes this regulation if:
 - (a) the person makes a sanctioned supply; and
 - (b) the sanctioned supply is not an authorised supply.

- (1A) Strict liability applies to the circumstance that the sanctioned supply is not in accordance with a permit under regulation 18.

Note 1: For strict liability, see section 6.1 of the *Criminal Code*.

Note 2: Strict liability is not imposed on an individual for any other element of an offence under section 16 of the Act that relates to a contravention of this regulation.

- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 16 of the Act that relates to a contravention of this regulation.

Note: This has the effect that the offence has extraterritorial operation.

- (3) A person, whether or not in Australia, and whether or not an Australian citizen, contravenes this regulation if the person uses the services of an Australian ship or an Australian aircraft to transport export sanctioned goods in the course of, or for the purpose of, making a sanctioned supply that is not an authorised supply.

- (4) A body corporate contravenes this regulation if:
 - (a) the body corporate has effective control over the actions of another body corporate or entity, wherever incorporated or situated; and
 - (b) the other body corporate or entity makes a sanctioned supply; and
 - (c) the sanctioned supply is not an authorised supply.

Note: This regulation may be specified as a sanction law by the Minister under section 6 of the Act.

Regulation 12A

12A Prohibitions relating to sanctioned import

- (1) A person contravenes this regulation if:
- (a) the person makes a sanctioned import; and
 - (b) the sanctioned import is not an authorised import.
- (1A) Strict liability applies to the circumstance that the sanctioned import is not in accordance with a permit under regulation 18.
- Note 1: For strict liability, see section 6.1 of the *Criminal Code*.
- Note 2: Strict liability is not imposed on an individual for any other element of an offence under section 16 of the Act that relates to a contravention of this regulation.
- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 16 of the Act that relates to a contravention of this regulation.
- Note: This has the effect that the offence has extraterritorial operation.
- (3) A person, whether or not in Australia, and whether or not an Australian citizen, contravenes this regulation if the person uses the services of an Australian ship or an Australian aircraft to transport import sanctioned goods in the course of, or for the purpose of, making a sanctioned import that is not an authorised import.
- (4) A body corporate contravenes this regulation if:
- (a) the body corporate has effective control over the actions of another body corporate or entity, wherever incorporated or situated; and
 - (b) the other body corporate or entity makes a sanctioned import; and
 - (c) the sanctioned import is not an authorised import.
- Note: This regulation may be specified as a sanction law by the Minister under section 6 of the Act.

13 Prohibitions relating to the provision of sanctioned services

- (1) A person contravenes this regulation if:
- (a) the person provides a sanctioned service; and
 - (b) the sanctioned service is not an authorised service; and

Regulation 13A

- (c) the sanctioned service is not provided in relation to an authorised supply.

- (1A) Strict liability applies to the circumstance that the sanctioned service is not in accordance with a permit under regulation 18.

Note 1: For strict liability, see section 6.1 of the *Criminal Code*.

Note 2: Strict liability is not imposed on an individual for any other element of an offence under section 16 of the Act that relates to a contravention of this regulation.

- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 16 of the Act that relates to a contravention of this regulation.

Note: This has the effect that the offence has extraterritorial operation.

- (3) A body corporate contravenes this regulation if:
 - (a) the body corporate has effective control over the actions of another body corporate or entity, wherever incorporated or situated; and
 - (b) the other body corporate or entity provides a sanctioned service; and
 - (c) the sanctioned service is not an authorised service; and
 - (d) the sanctioned service is not provided in relation to an authorised supply.

Note: This regulation may be specified as a sanction law by the Minister under section 6 of the Act.

13A Prohibitions relating to engaging in sanctioned commercial activity

- (1) A person contravenes this regulation if:
 - (a) the person engages in a sanctioned commercial activity; and
 - (b) the sanctioned commercial activity is not an authorised commercial activity.

- (1A) Strict liability applies to the circumstance that the sanctioned commercial activity is not in accordance with a permit under regulation 18.

Note 1: For strict liability, see section 6.1 of the *Criminal Code*.

Regulation 14

Note 2: Strict liability is not imposed on an individual for any other element of an offence under section 16 of the Act that relates to a contravention of this regulation.

- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 16 of the Act that relates to a contravention of this regulation.

Note: This has the effect that the offence has extraterritorial operation.

- (3) A body corporate contravenes this regulation if:
- (a) the body corporate has effective control over the actions of another body corporate or entity, wherever incorporated or situated; and
 - (b) the other body corporate or entity engages in a sanctioned commercial activity; and
 - (c) the sanctioned commercial activity is not an authorised commercial activity.

Note: This regulation may be specified as a sanction law under the *Autonomous Sanctions (Sanction Law) Declaration 2012*.

14 Prohibition of dealing with designated persons or entities

- (1) A person contravenes this regulation if:
- (a) the person directly or indirectly makes an asset available to, or for the benefit of, a designated person or entity; and
 - (b) the making available of the asset is not authorised by a permit granted under regulation 18.

- (1A) Strict liability applies to the circumstance that the making available of the asset is not in accordance with a permit under regulation 18.

Note 1: For strict liability, see section 6.1 of the *Criminal Code*.

Note 2: Strict liability is not imposed on an individual for any other element of an offence under section 16 of the Act that relates to a contravention of this regulation.

- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 16 of the Act that relates to a contravention of this regulation.

Note 1: This has the effect that the offence has extraterritorial operation.

Regulation 15

Note 2: This regulation may be specified as a sanction law by the Minister under section 6 of the Act.

15 Prohibition of dealing with controlled assets

- (1) A person contravenes this regulation if:
- (a) the person holds a controlled asset; and
 - (b) the person:
 - (i) uses or deals with the asset; or
 - (ii) allows the asset to be used or dealt with; or
 - (iii) facilitates the use of the asset or dealing with the asset; and
 - (c) the use or dealing is not authorised by a permit granted under regulation 18.
- (1A) Strict liability applies to the circumstance that the use or dealing with the asset is not in accordance with a permit under regulation 18.

Note 1: For strict liability, see section 6.1 of the *Criminal Code*.

Note 2: Strict liability is not imposed on an individual for any other element of an offence under section 16 of the Act that relates to a contravention of this regulation.

- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 16 of the Act that relates to a contravention of this regulation.

Note 1: This has the effect that the offence has extraterritorial operation.

Note 2: This regulation may be specified as a sanction law by the Minister under section 6 of the Act.

16 Prohibitions relating to sanctioned vessels

- (1) A person contravenes this regulation if:
- (a) a direction is given to a sanctioned vessel under subregulation 8 (4); and
 - (b) the person engages in conduct; and
 - (c) the conduct causes the sanctioned vessel to contravene the direction.

Regulation 17

- (2) Section 15.1 of the *Criminal Code* applies to an offence under section 16 of the Act that relates to a contravention of this regulation.

Note 1: This has the effect that the offence has extraterritorial operation.

Note 2: This regulation may be specified as a sanction law by the Minister under section 6 of the Act.

Exception—safety of vessel or human life

- (3) Subregulation (1) does not apply if the person is engaging in conduct necessary to secure the safety of the sanctioned vessel or human life.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (3) (see subsection 13.3 (3) of the *Criminal Code*).

Exception—authorisation or requirement under Part IIIAAA of the Defence Act 1903

- (4) Subregulation (1) does not apply if the operation of the sanctioned vessel or the conduct of the person is authorised or required under Part IIIAAA of the *Defence Act 1903*.

Note: A defendant bears an evidential burden in relation to the matters in subregulation (4) (see subsection 13.3 (3) of the *Criminal Code*).

- (5) It is not a defence to a prosecution for an offence against subregulation (1) that the operation of the sanctioned vessel or the conduct of the person is authorised or required under any other law.

17 Forfeiture of sanctioned vessels

- (1) A sanctioned vessel is forfeited to the Commonwealth if:
- (a) a direction is given to the sanctioned vessel under subregulation 8 (4); and
 - (b) the sanctioned vessel contravenes the direction.

Exception—safety of vessel or human life

- (2) Subregulation (1) does not apply if the contravention is necessary to secure the safety of the sanctioned vessel or human life.

Regulation 17

Exception—authorisation or requirement under Part IIIAAA of the Defence Act 1903

- (3) Subregulation (1) does not apply if the contravention is authorised or required under Part IIIAAA of the *Defence Act 1903*.

Part 4—Authorisations

18 Minister may grant permits

- (1) The Minister may grant to a person a permit authorising:
 - (a) the making of a sanctioned supply; or
 - (b) the making of a sanctioned import; or
 - (c) engaging in a sanctioned commercial activity; or
 - (d) the provision of a sanctioned service; or
 - (e) the making available of an asset to a person or entity that would otherwise contravene regulation 14; or
 - (f) a use of, or a dealing with, a controlled asset.

Note: Section 15 of the Act applies to a permit granted by the Minister under this subregulation.

- (2) The Minister may grant a permit:
 - (a) on the Minister's initiative; or
 - (b) on application by a person.
- (3) The Minister must not grant a permit unless the Minister is satisfied:
 - (a) that it would be in the national interest to grant the permit; and
 - (b) about any circumstance or matter required by this Part to be considered for a particular kind of permit.
- (4) A permit may be granted subject to conditions specified in the permit.

19 Minister may waive operation of declaration under paragraph 6 (1) (b) or (2) (b)

- (1) This regulation applies if:
 - (a) the Minister has declared a person under paragraph 6 (1) (b) or (2) (b) for the purpose of preventing the person from travelling to, entering or remaining in Australia; and

Regulation 20

- (b) the person:
 - (i) holds a visa under the *Migration Act 1958*; or
 - (ii) had applied under that Act for the grant of a visa before the declaration, and the application had not been finally determined (within the meaning of that Act) before the declaration; or
 - (iii) applies under that Act for the grant of a visa after the declaration.
- (2) The Minister may, in writing, waive the operation of the declaration to the extent that it would have the effect of preventing the person from travelling to, entering or remaining in Australia as would be permitted by the visa.
- (3) The Minister may waive the operation of the declaration only:
 - (a) on the grounds that it would be in the national interest; or
 - (b) on humanitarian grounds.
- (4) The Minister may waive the operation of the declaration subject to conditions specified in the waiver.
- (5) A waiver has effect:
 - (a) for the period (if any) specified by the Minister in the waiver; or
 - (b) in the circumstances (if any) specified by the Minister in the waiver.
- (6) The waiver ceases to have effect if:
 - (a) the person fails to comply with a condition to which it is subject; or
 - (b) the period (if any) for which it has effect ends; or
 - (c) the circumstances in which it has effect cease to exist.

20 Permit for assets and controlled assets

- (1) An application for a permit authorising the making available of an asset to a person or entity that would otherwise contravene regulation 14 must be for:
 - (a) a basic expense dealing; or

Regulation 20

- (b) a legally required dealing; or
- (c) a contractual dealing.

Note: See paragraph 18 (1) (e).

- (2) An application for a permit authorising a use of, or a dealing with, a controlled asset must be for:

- (a) a basic expense dealing; or
- (b) a legally required dealing; or
- (c) a contractual dealing.

Note: See paragraph 18 (1) (f).

- (3) A dealing is a **basic expense dealing** if:

- (a) it is constituted by:
 - (i) a payment to a designated person or entity; or
 - (ii) a payment to a person or entity acting on behalf of, or at the direction of, a designated person or entity; or
 - (iii) a payment to an entity owned or controlled by a designated person or entity; or
 - (iv) a use or dealing with a controlled asset; and
- (b) the dealing is necessary for basic expenses, including any of the following:
 - (i) foodstuffs;
 - (ii) rent or mortgage;
 - (iii) medicines or medical treatment;
 - (iv) taxes;
 - (v) insurance premiums;
 - (vi) public utility charges;
 - (vii) reasonable professional fees;
 - (viii) reimbursement of expenses associated with the provision of legal services;
 - (ix) fees or service charges that are in accordance with a law in force in Australia for the routine holding or maintenance of frozen assets.

- (4) A dealing is a legally required dealing if:

- (a) it is constituted by:

Regulation 20

- (i) a payment to a designated person or entity; or
 - (ii) a payment to a person or entity acting on behalf of, or at the direction of, a designated person or entity; or
 - (iii) a payment to an entity owned or controlled by a designated person or entity; or
 - (iv) a use or dealing with a controlled asset; and
 - (b) the dealing is necessary to satisfy a judicial, administrative or arbitral lien or judgement that was made prior to the date on which the person or entity became a designated person or entity; and
 - (c) the dealing is not for the benefit of a designated person or entity.
- (5) A dealing is a ***contractual dealing*** if:
- (a) it is constituted by:
 - (i) a payment to a designated person or entity; or
 - (ii) a payment to a person or entity acting on behalf of, or at the direction of, a designated person or entity; or
 - (iii) a payment to an entity owned or controlled by a designated person or entity; or
 - (iv) a use or dealing with a controlled asset; and
 - (b) the dealing is a payment:
 - (i) to apply interest or other earnings due on accounts holding controlled assets; or
 - (ii) required under contracts, agreements or obligations made before the date on which those accounts became accounts holding controlled assets.

Note: If the account into which the payment is paid is frozen under Sanctions Regulations, this payment will also be frozen once received.

Part 5—Dealing with assets

21 Advance notice of listing of persons, entities and assets

- (1) The Department may give notice of a designation made under paragraph 6 (1) (a) or (2) (a) or regulation 7 to any person who is engaged in the business of holding, dealing in, or facilitating dealing in, assets.
- (2) The Department may give the notice before the designation is published.

22 Consolidated list of entities, persons and assets

- (1) The Department must maintain a document that sets out:
 - (a) all persons and entities that are currently designated persons or entities; and
 - (b) all assets or classes of assets currently designated under regulation 8.
- (2) The document must contain the following information about a designated person or entity:
 - (a) the name of the person, including any alias for the person known to the Department;
 - (b) the name of the entity, and any registration or incorporation number or name that will facilitate the identification of the entity;
 - (c) the date on which the person or entity was designated.
- (3) The document must contain the following information about a designated asset:
 - (a) a description of the asset or class of assets;
 - (b) the name of the designated person or entity that, owns or controls the asset;
 - (c) the date on which the asset was designated under regulation 7.

Regulation 23

- (4) The document must be made available to the public on the Department's website.
- (5) The document may be consolidated with the document mentioned in regulation 40 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.

23 Request to AFP for help

- (1) A person who holds an asset that the person suspects is, or may be, a controlled asset may request the AFP to help the person determine whether or not the asset is owned or controlled by a designated person or entity.
- (2) The request must be accompanied by:
 - (a) details of the asset; and
 - (b) as much information about the asset (including information about the owner or controller of the asset) as is known to the person making the request.
- (3) The AFP must use its best endeavours to help a person who has made a request under subregulation (1).
- (4) As soon as practicable after receiving a request under subregulation (1), the AFP must respond in writing.
- (5) The response must state whether the AFP considers that:
 - (a) it is likely that the asset is owned or controlled by a designated person or entity; or
 - (b) it is unlikely that the asset is owned or controlled by a designated person or entity; or
 - (c) it is unknown whether the asset is owned or controlled by a designated person or entity.

Note: These Regulations do not limit the obligation of:

- (a) a cash dealer under section 16 of the *Financial Transaction Reports Act 1988* to report a suspicious transaction; or
- (b) a reporting entity under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

Regulation 24

24 Informing AFP of opinion about asset

- (1) This regulation sets out what a person who is holding an asset must do if the person forms an opinion (a **notifiable opinion**) that:
 - (a) the asset is a controlled asset; or
 - (b) the asset, having been a controlled asset, or having been previously treated by the person as a controlled asset, is not, or is no longer, a controlled asset.
- (2) Paragraph (1) (b) does not apply if:
 - (a) the asset has been removed from the document mentioned in regulation 22; or
 - (b) all designated persons and entities associated with the asset have been removed from the document.
- (3) As soon as practicable after a person forms a notifiable opinion, the person must inform the AFP of:
 - (a) the asset about which the opinion was formed; and
 - (b) as much information about the asset (including information about the owner or controller of the asset) as is known to the person; and
 - (c) the reasons for the opinion.

25 Protection of information

- (1) This regulation applies to a person who, at the time that something is done under the Act or these Regulations (a **relevant action**), is:
 - (a) the Minister; or
 - (b) the Secretary of the Department; or
 - (c) an APS employee; or
 - (d) an AFP employee, or a member of the Australian Federal Police, within the meaning of the *Australian Federal Police Act 1979*; or
 - (e) a person who holds a controlled asset or an asset that the person suspects may be a controlled asset; or
 - (f) a person employed by a person mentioned in paragraph (e).
- (2) A person to whom this regulation applies is not required:

Regulation 25

- (a) to produce in a court any document that has come into the custody or control of the person in the course of, or because of, the relevant action; or
 - (b) to divulge or communicate to a court any matter or thing that has come to the notice of the person in the course of, or because of, the relevant action;
- unless it is necessary to do so to comply with the Act or these Regulations.

Part 6—Miscellaneous

26 Delegations by Minister

- (1) The Minister may delegate the Minister's powers and functions under these Regulations (other than this power of delegation) to:
 - (a) the Secretary of the Department; or
 - (b) an SES employee, or acting SES employee, in the Department.
- (2) The delegation must be in writing.
- (3) The delegate must comply with any directions of the Minister in exercising powers or functions under the delegation.

Endnotes

Endnote 1—About the endnotes

The endnotes provide details of the history of this legislation and its provisions. The following endnotes are included in each compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history
Endnote 5—Uncommenced amendments
Endnote 6—Modifications
Endnote 7—Misdescribed amendments
Endnote 8—Miscellaneous

If there is no information under a particular endnote, the word “none” will appear in square brackets after the endnote heading.

Abbreviation key—Endnote 2

The abbreviation key in this endnote sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended the compiled law. The information includes commencement information for amending laws and details of application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision level. It also includes information about any provisions that have expired or otherwise ceased to have effect in accordance with a provision of the compiled law.

Uncommenced amendments—Endnote 5

The effect of uncommenced amendments is not reflected in the text of the compiled law, but the text of the amendments is included in endnote 5.

Endnotes

Endnote 1—About the endnotes

Modifications—Endnote 6

If the compiled law is affected by a modification that is in force, details of the modification are included in endnote 6.

Misdescribed amendments—Endnote 7

An amendment is a misdescribed amendment if the effect of the amendment cannot be incorporated into the text of the compilation. Any misdescribed amendment is included in endnote 7.

Miscellaneous—Endnote 8

Endnote 8 includes any additional information that may be helpful for a reader of the compilation.

Endnote 2—Abbreviation key

ad = added or inserted	pres = present
am = amended	prev = previous
c = clause(s)	(prev) = previously
Ch = Chapter(s)	Pt = Part(s)
def = definition(s)	r = regulation(s)/rule(s)
Dict = Dictionary	Reg = Regulation/Regulations
disallowed = disallowed by Parliament	reloc = relocated
Div = Division(s)	renum = renumbered
exp = expired or ceased to have effect	rep = repealed
hdg = heading(s)	rs = repealed and substituted
LI = Legislative Instrument	s = section(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sch = Schedule(s)
mod = modified/modification	Sdiv = Subdivision(s)
No = Number(s)	SLI = Select Legislative Instrument
o = order(s)	SR = Statutory Rules
Ord = Ordinance	Sub-Ch = Sub-Chapter(s)
orig = original	SubPt = Subpart(s)
par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)	

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Number and year	Gazettal or FRLI registration	Commencement	Application, saving and transitional provisions
2011 No. 247	14 Dec 2011 (<i>see</i> F2011L02673)	15 Dec 2011	
2012 No. 204	20 Aug 2012 (<i>see</i> F2012L01707)	21 Aug 2012	—
2013, 198	26 July 2013 (<i>see</i> F2013L01447)	27 July 2013	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
r. 3	am. 2012 No. 204
Part 2	
r. 4	am. 2012 No. 204; No 198, 2013
r. 4A.....	ad. 2012 No. 204; No 198, 2013
r. 5	rs. 2012 No. 204; No 198, 2013
r. 5A.....	ad. 2012 No. 204
r. 6	am. 2012 No. 204; No 198, 2013
Part 3	
r 12	am No 198, 2013
r. 12A.....	ad. 2012 No. 204
	am No 198, 2013
r 13	am No 198, 2013
r. 13A.....	ad. 2012 No. 204
	am No 198, 2013
r 14	am No 198, 2013
r 15	am No 198, 2013
Part 4	
r. 18	am. 2012 No. 204
Note to r. 20 (1)	rs. 2012 No. 204
Note to r. 20 (2)	rs. 2012 No. 204

Endnotes

Endnote 5—Uncommenced amendments [none]

Endnote 5—Uncommenced amendments [none]

Endnote 6—Modifications [none]

Endnote 7—Misdescribed amendments [none]

Endnote 8—Miscellaneous [none]