



Charter of the United Nations (Sanctions—South Sudan) Regulation 2015

Select Legislative Instrument No. 141, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 20 August 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Julie Bishop
Minister for Foreign Affairs

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Part 1—Preliminary

1 Name

This is the *Charter of the United Nations (Sanctions—South Sudan) Regulation 2015*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	22 August 2015

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Charter of the United Nations Act 1945*.

4 Definitions

In this instrument:

No. 141, 2015

*Charter of the United Nations (Sanctions—South Sudan)
Regulation 2015*

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Section 4

Act means the *Charter of the United Nations Act 1945*.

Committee means the Committee established under paragraph 16 of Resolution 2206.

controlled asset means an asset that is owned or controlled, directly or indirectly, 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.

designated person or entity means a person or entity that the Committee designates for paragraph 12 of Resolution 2206.

Resolution 2206 means Resolution 2206 (2015) of the Security Council, adopted on 3 March 2015.

Part 2—UN sanction enforcement laws

Note: See section 2B of the Act.

5 Prohibition relating to dealings with designated persons or entities

- (1) A person contravenes this subsection 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 under section 7.
- (2) For an offence under section 27 of the Act that relates to a contravention of subsection (1) by an individual, strict liability applies to the circumstance that the making available of the asset is not authorised by a permit under section 7.
- (3) Section 15.1 of the *Criminal Code* (Extended geographical jurisdiction—category A) applies to an offence under section 27 of the Act that relates to a contravention of subsection (1).

Note 1: Subsection (3) has the effect that the offence has extraterritorial operation.

Note 2: This section is specified as a UN sanction enforcement law in the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

6 Prohibition relating to controlled assets

- (1) A person contravenes this subsection 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, or the dealing with, the asset; and
 - (c) the use or dealing is not authorised by a permit under section 7.

Section 7

- (2) For an offence under section 27 of the Act that relates to a contravention of subsection (1) by an individual, strict liability applies to the circumstance that the use of, or dealing with, the asset is not authorised by a permit under section 7.
- (3) Section 15.1 of the *Criminal Code* (Extended geographical jurisdiction—category A) applies to an offence under section 27 of the Act that relates to a contravention of subsection (1).

Note 1: Subsection (3) has the effect that the offence has extraterritorial operation.

Note 2: This section is specified as a UN sanction enforcement law in the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

7 Permit for assets and controlled assets

Application for permit

- (1) A person may apply to the Minister for a permit authorising:
- (a) the making available of an asset that would otherwise contravene subsection 5(1); or
 - (b) a use of, or dealing with, a controlled asset that would otherwise contravene subsection 6(1).
- (2) The application must be for one of the following:
- (a) a basic expense dealing;
 - (b) a legally required dealing;
 - (c) a contractual dealing;
 - (d) a required payment dealing;
 - (e) an extraordinary expense dealing.

Note: For the definitions of *basic expense dealing*, *legally required dealing*, *contractual dealing*, *required payment dealing* and *extraordinary expense dealing*, see regulation 5 of the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.

- (3) The application must state which kind of dealing the application is for.

Grant of permit

- (4) If the application is for a basic expense dealing, the Minister:
 - (a) must give the Committee notice of the application; and
 - (b) may grant the permit only if the Committee does not make a negative decision in relation to the application within 5 working days after the notice is given.
- (5) If the application is for a legally required dealing, the Minister may grant the permit only after giving the Committee notice of the application.
- (6) If the application is for a contractual dealing, the Minister may grant the permit.
- (7) If the application is for a required payment dealing, the Minister may grant the permit only after giving the Committee at least 10 working days' notice.
- (8) If the application is for an extraordinary expense dealing, the Minister:
 - (a) must give the Committee notice of the application; and
 - (b) may grant the permit only with the Committee's approval.
- (9) The permit is subject to any conditions specified in the permit.

Note: Section 13A of the Act applies to a permit granted under this section.

Part 3—Miscellaneous

8 Delegations by the Minister

- (1) The Minister may delegate the Minister's powers and functions under this instrument (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.