



Autonomous Sanctions Amendment (Democratic People's Republic of Korea) Regulations 2017

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 regulations.

Dated 27 June 2017

Peter Cosgrove
Governor-General

By His Excellency's Command

Julie Bishop
Minister for Foreign Affairs

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1 Name

This instrument is the *Autonomous Sanctions Amendment (Democratic People's Republic of Korea) Regulations 2017*.

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. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	6 July 2017
2. Schedule 1, Part 1	The day after this instrument is registered.	6 July 2017
3. Schedule 1, Part 2	The day after the end of the period of 1 month beginning on the day this instrument is registered.	5 August 2017

Note: This table relates only to the provisions of this instrument as originally made.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 *Autonomous Sanctions Act 2011*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Part 1—Amendments commencing day after registration

Autonomous Sanctions Regulations 2011

1 Subregulation 6(1) (cell at table item 1, column headed “Activity”)

Repeal the cell, substitute:

- (a) A person or entity that the Minister is satisfied is, or has been, associated with the DPRK’s weapons of mass destruction program or missiles program.
- (b) A person or entity that the Minister is satisfied is assisting, or has assisted, in the violation, or evasion, by the DPRK of:
 - (i) Resolution 825, 1540, 1695, 1718, 1874, 1887, 2087, 2094, 2270 or 2321 of the United Nations Security Council; or
 - (ii) a subsequent resolution relevant to a resolution mentioned in subparagraph (i).

Part 2—Amendments commencing 1 month after registration

Autonomous Sanctions Regulations 2011

2 Regulation 3

Insert:

DPRK person or entity means any of the following:

- (a) the government of the DPRK;
- (b) the Workers' Party of Korea;
- (c) the Korean People's Army;
- (d) a public body, corporation or agency of the DPRK;
- (e) an entity formed or incorporated in the DPRK;
- (f) an official of an entity referred to in paragraph (a), (b), (c), (d) or (e);
- (g) an individual who is in, or a resident of, the DPRK.

extractive or related industry means an industry engaged in any of the following:

- (a) extracting raw materials from the earth;
- (b) exploring or prospecting for raw materials to be extracted from the earth;
- (c) refining or processing raw materials extracted from the earth.

3 Regulation 3 (definition of *sanctioned commercial activity*)

Omit “and 5C”, substitute “, 5C and 5CA”.

4 Before subregulation 5(1)

Insert:

Services relating to a sanctioned supply

5 Before subregulation 5(2)

Insert:

Services relating to a sanctioned import

6 Before subregulation 5(2B)

Insert:

Services relating to a sanctioned commercial activity

7 Before subregulation 5(4)

Insert:

Services relating to particular countries and particular activities

8 Before subregulation 5(5)

Insert:

Additional services relating to Syria

9 Before subregulation 5(6)

Insert:

Additional services relating to Russia

10 At the end of regulation 5

Add:

Additional services relating to the DPRK

- (8) For the purposes of these Regulations, a **sanctioned service** is also, for the DPRK, the provision of any service to Air Koryo.
- (9) For the purposes of these Regulations, a **sanctioned service** is also, for the DPRK, the provision to a person or entity of any service that assists with, or is provided in relation to, an extractive or related industry in the DPRK.
- (10) For the purposes of these Regulations, a **sanctioned service** is also, for the DPRK, the provision to a person or entity of any service that assists with, or is provided in relation to, the creation, construction, installation, development, maintenance or decommissioning of infrastructure associated with an extractive or related industry in the DPRK.
- (11) For the purposes of these Regulations, a **sanctioned service** is also, for the DPRK, the provision to a person or entity mentioned in an item of the following table of any service that assists with, or is provided in relation to, an extractive or related industry outside the DPRK.

Item	Person or entity
1	A DPRK person or entity.
2	A person or entity acting on behalf of, or at the direction of, a DPRK person or entity.
3	An entity owned or controlled by a DPRK person or entity.

11 After regulation 5C

Insert:

5CA Sanctioned commercial activity—DPRK

- (1) For the purposes of these Regulations, **sanctioned commercial activity** also means:
 - (a) the acquisition or extension of an interest in a person or entity mentioned in an item of the following table; or
 - (b) the establishment of, or participation in, a joint venture, partnership or other business relationship with a person or entity mentioned in an item of the following table; or
 - (c) the granting of a financial loan or credit to a person or entity mentioned in an item of the following table.

Item	Person or entity
1	A person or entity, wherever located, that is engaged in an extractive or related industry in the DPRK.
2	A person or entity, wherever located, that is engaged in the creation, construction, installation, development, maintenance or decommissioning of infrastructure associated with an extractive or related industry in the DPRK.
3	A person or entity acting on behalf of, or at the direction of, a person or entity mentioned in item 1 or 2.
4	An entity owned or controlled by a person or entity mentioned in item 1 or 2.
5	A person or entity, wherever located, that: (a) is engaged in an extractive or related industry outside the DPRK; and (b) is any of the following: (i) a DPRK person or entity; (ii) a person or entity acting on behalf of, or at the direction of, a DPRK person or entity; (iii) an entity owned or controlled by a DPRK person or entity.

- (2) For the purposes of these Regulations, **sanctioned commercial activity** also means the sale of, or the making available of (otherwise than by sale), an interest in a commercial activity in an extractive or related industry in Australia to a person or entity mentioned in an item of the following table.

Item	Person or entity
1	A DPRK person or entity.
2	A person or entity acting on behalf of, or at the direction of, a DPRK person or entity.
3	An entity owned or controlled by a DPRK person or entity.

- (3) For the purposes of these Regulations, **sanctioned commercial activity** also means:
- (a) the obtaining of any asset that is a tenement or permission (however described) in relation to an extractive or related industry in the DPRK; or
 - (b) the obtaining of any asset that is a tenement or permission (however described) in relation to the creation, construction, installation, development, maintenance or decommissioning of infrastructure associated with an extractive or related industry in the DPRK; or
 - (c) the use of, dealing with or making available of any asset for the purpose of obtaining any tenement or permission (however described) in relation to an extractive or related industry in the DPRK; or
 - (d) the use of, dealing with or making available of any asset for the purpose of obtaining any tenement or permission (however described) in relation to the creation, construction, installation, development, maintenance or decommissioning of infrastructure associated with an extractive or related industry in the DPRK.
- (4) For the purposes of these Regulations, **sanctioned commercial activity** also means:
- (a) the obtaining, directly or indirectly, of any tenement or permission (however described) in relation to an extractive or related industry in the

Schedule 1 Amendments

Part 2 Amendments commencing 1 month after registration

DPRK from a person or entity mentioned in an item of the table in subregulation (2); or

- (b) the obtaining, directly or indirectly, of any tenement or permission (however described) in relation to the creation, construction, installation, development, maintenance or decommissioning of infrastructure associated with an extractive or related industry in the DPRK from a person or entity mentioned in an item of the table in subregulation (2).

12 Paragraph 5D(d)

Omit “or 5C”, substitute “, 5C or 5CA”.