



Charter of the United Nations (Sanctions — Afghanistan) Regulations 2001

Statutory Rules 2001 No. 181 as amended

made under the

Charter of the United Nations Act 1945

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Part 1 Introductory

1 **Name of Regulations** [see Note 1]

These Regulations are the *Charter of the United Nations (Sanctions — Afghanistan) Regulations 2001*.

2 **Commencement** [see Note 1]

These Regulations commence on gazettal.

3 **Object**

The object of these Regulations is to assist in giving effect to Resolutions 1267, 1333 and 1390, concerning Afghanistan, 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, supplied or transferred to a place controlled by a bin Laden entity or a Taliban entity; or
 - (ii) technical advice, training and other assistance in relation to the military activities of the armed personnel of a bin Laden entity or a Taliban entity being sold, supplied or transferred to such an entity; or
 - (iii) acetic anhydride, a chemical used in the cultivation of opium poppy, being sold, supplied or transferred to a person in Taliban territory, or to a person for the purpose of an activity carried on in, or operated from, Taliban territory; and
- (b) preventing the use of Australian aircraft or ships in relation to a matter mentioned in subparagraph (a) (i) or (ii).

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4 Extra-territorial operation of Regulations

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

5 Application of *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences created by these Regulations.

Note 1 Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Note 2 For the meaning of *strict liability*, see section 6.1 of the Criminal Code.

6 Definitions

In these Regulations:

arms or related matériel includes:

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

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*.

bin Laden entity means:

- (a) Usama bin Laden; or
- (b) the Al-Qaida organisation; or
- (c) an individual or entity designated by the Committee under paragraph 8 (c) of Resolution 1333 as being associated with Usama bin Laden.

Committee means the Committee established under paragraph 6 of Resolution 1267.

engage in conduct means do an act or omit to perform an act.

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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 1267 means Resolution 1267 (1999) of the Security Council of the United Nations.

Resolution 1333 means Resolution 1333 (2000) of the Security Council of the United Nations.

Resolution 1390 means Resolution 1390 (2002) of the Security Council of the United Nations.

Taliban entity means:

- (a) the Taliban; or
- (b) an undertaking designated by the Committee under paragraph 4 (b) of Resolution 1267 as being owned or controlled by the Taliban.

Taliban territory means territory of Afghanistan that is under the control of the Taliban.

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**Part 2 Restriction on supply of
arms etc****7 Application of Part**

This Part applies to a person in Australia or a citizen of Australia who is outside Australia.

8 Restriction on sale of arms etc

- (1) A person must not engage in conduct that assists, or results in, the sale, supply or transfer of arms or related matériel to a place controlled by a bin Laden entity or a Taliban entity, if the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.
- (2) Strict liability applies to the physical element that the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.
- (3) This regulation does not apply in relation to the sale, supply or transfer of protective clothing to a place controlled by a bin Laden entity or a Taliban entity, if the clothing is intended to be worn only by a member of the personnel of the United Nations, a representative of the media or a humanitarian worker.

Penalty: 50 penalty units.

9 Restriction on provision of technical assistance etc

- (1) A person must not engage in conduct that assists, or results in, the sale, supply or transfer to armed personnel under the control of a bin Laden entity or a Taliban entity of technical advice, training or other assistance in relation to military activities, if the sale, supply or transfer is not in accordance

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with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.

- (2) Strict liability applies to the physical element that the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.

Penalty: 50 penalty units.

10 Prohibition on supply of acetic anhydride

- (1) A person must not engage in conduct that assists, or results in, the sale, supply or transfer of the chemical, acetic anhydride, to a person in a place in Taliban territory.

Penalty: 50 penalty units.

- (2) A person must not engage in conduct that assists, or results in, the sale, supply or transfer of the chemical, acetic anhydride, to a person for the purpose of an activity carried on in, or operated from, Taliban territory.

Penalty: 50 penalty units.

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Part 3 Restriction on use of Australian aircraft and ships

Division 3.1 Restriction on use of aircraft

11 Use of aircraft for transfer of arms and related matériel

- (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, supply or transfer of arms or related matériel to a place controlled by a bin Laden entity or a Taliban entity, if the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.
- (2) Strict liability applies to the physical element that the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.
- (3) This regulation does not apply in relation to the sale, supply or transfer of protective clothing to a place controlled by a bin Laden entity or a Taliban entity, if the clothing is intended to be worn only by a member of the personnel of the United Nations, a representative of the media or a humanitarian worker.

Penalty: 50 penalty units.

12 Use of aircraft for transfer of technical assistance 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, supply or transfer to armed personnel under the control of a bin Laden entity or a Taliban entity of technical advice, training or other assistance in relation to military activities, if the sale, supply or transfer is

not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.

- (2) Strict liability applies to the physical element that the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.

Penalty: 50 penalty units.

Division 3.2 Restriction on use of ships

13 Use of ships for transfer of arms and related matériel

- (1) The owner, master or operator of an Australian ship must not allow the ship to be used in a way that assists, or results in, the sale, supply or transfer of arms or related matériel to a place controlled by a bin Laden entity or a Taliban entity, if the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.
- (2) Strict liability applies to the physical element that the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.
- (3) This regulation does not apply in relation to the sale, supply or transfer of protective clothing to a place controlled by a bin Laden entity or a Taliban entity, if the clothing is intended to be worn only by a member of the personnel of the United Nations, a representative of the media or a humanitarian worker.

Penalty: 50 penalty units.

14 Use of ships for transfer of technical advice etc

- (1) The owner, master or operator of an Australian ship must not allow the ship to be used in a way that assists, or results in, the sale, supply or transfer to armed personnel under the control of a bin Laden entity or a Taliban entity of technical advice,

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training or other assistance in relation to military activities, if the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.

- (2) Strict liability applies to the physical element that the sale, supply or transfer is not in accordance with an approval given in advance, under paragraph 6 of Resolution 1333, by the Committee.

Penalty: 50 penalty units.

Table of Statutory Rules

Notes to the *Charter of the United Nations (Sanctions — Afghanistan) Regulations 2001*

Note 1

The *Charter of the United Nations (Sanctions — Afghanistan) Regulations 2001* (in force under the *Charter of the United Nations Act 1945*) as shown in this compilation comprise Statutory Rules 2001 No. 181 amended as indicated in the Tables below.

Table of Statutory Rules

Year and number	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
2001 No. 181	5 July 2001	5 July 2001	
2001 No. 298	9 Oct 2001	9 Oct 2001	—
2002 No. 196	29 Aug 2002	29 Aug 2002	—
2003 No. 168	2 July 2003	2 July 2003	—

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Part 1	
R. 3	am. 2001 No. 298 rs. 2002 No. 196 am. 2003 No. 168
R. 6	am. 2001 No. 298; 2002 No. 196; 2003 No. 168
Part 2	
R. 8	am. 2002 No. 196
R. 9	am. 2002 No. 196
Part 3	
Division 3.1	
R. 11	am. 2002 No. 196
R. 12	am. 2002 No. 196
Division 3.2	
R. 13	am. 2002 No. 196
R. 14	am. 2002 No. 196
Part 4	ad. 2001 No. 298 rep. 2003 No. 168
R. 15	ad. 2001 No. 298 am. 2002 No. 196 rep. 2003 No. 168
R. 16	ad. 2001 No. 298 rep. 2003 No. 168
R. 17	ad. 2001 No. 298 rep. 2003 No. 168
