



Charter of the United Nations (Sanctions — Rwanda) Regulations 2006¹

Select Legislative Instrument 2006 No. 301

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

Dated 16 November 2006

P. M. JEFFERY
Governor-General

By His Excellency's Command

ALEXANDER DOWNER
Minister for Foreign Affairs

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Part 1 Preliminary

1 Name of Regulations

These Regulations are the *Charter of the United Nations (Sanctions — Rwanda) Regulations 2006*.

2 Commencement

These Regulations commence on the day after they are registered.

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3 Object

The object of these Regulations is to assist in giving effect to Resolution 918 and Resolution 1011 by:

- (a) preventing a person in Australia, or a citizen of Australia who is outside Australia, from doing anything that assists, or results in arms or related matériel being sold or supplied to any recipient in Rwanda; and
 - (b) preventing the use of Australian aircraft and ships in relation to a matter mentioned in paragraph (a);
- otherwise than in accordance with those Resolutions.

4 Definitions

In these Regulations:

arms or related matériel includes:

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

Note Paramilitary equipment includes parts and accessories designed or adapted for use in, or with, paramilitary equipment mentioned in paragraphs (a) to (e) of the definition of ***paramilitary equipment*** (see paragraph (f) of that definition).

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*.

Committee means the committee established under paragraph 14 of Resolution 918.

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

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

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- (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).

Resolution 918 means Resolution 918 (1994) of the Security Council of the United Nations, adopted on 17 May 1994.

Resolution 1011 means Resolution 1011 (1995) of the Security Council of the United Nations, adopted on 16 August 1995.

5 Extra-territorial operation of Regulations

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

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Part 2 Sale of arms etc**6 Application of Part**

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

7 Restriction on sale of arms etc

- (1) A person must not engage in conduct that assists, or results in, the sale or supply of arms or related matériel to any recipient in Rwanda.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply in relation to a sale or supply to the Government of Rwanda that:
- (a) is not for the purpose of resale, resupply or transfer to, or use by, any other party; and
 - (b) is notified in advance to the Committee.
- (3) Strict liability applies to the circumstance that a sale or supply is notified in advance to the Committee.

Note For *strict liability*, see subsection 6.1 of the *Criminal Code*.

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Part 3 Use of Australian aircraft and ships**8 Use of Australian aircraft and ships for supply of arms 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 or supply of arms or related matériel to any recipient in Rwanda.

Penalty: 50 penalty units.

- (2) The owner, master or operator of an Australian ship must not allow the aircraft to be used in a way that assists, or results in, the sale or supply of arms or related matériel to any recipient in Rwanda.

Penalty: 50 penalty units.

- (3) Subregulations (1) and (2) do not apply in relation to a sale or supply to the Government of Rwanda that:
- (a) is not for the purpose of resale, resupply or transfer to, or use by, any other party; and
 - (b) is notified in advance to the Committee.
- (4) Strict liability applies to the circumstance that a sale or supply is notified in advance to the Committee.

Note For **strict liability**, see subsection 6.1 of the *Criminal Code*.

Note

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