Autonomous Sanctions Amendment (Russia, Crimea and Sevastopol) Regulation 2014

Select Legislative Instrument No. , 2014

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 2014

Peter Cosgrove
Governor-General

By His Excellency’s Command

[DRAFT ONLY—NOT FOR SIGNATURE]
Julie Bishop
Minister for Foreign Affairs
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**Schedule 1—Amendments**

*Autonomous Sanctions Regulations 2011*  

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No. 2014  
*Autonomous Sanctions Amendment (Russia, Crimea and Sevastopol)*  
*Regulation 2014*
1 Name

This is the Autonomous Sanctions Amendment (Russia, Crimea and Sevastopol) Regulation 2014.

2 Commencement

This instrument commences on the day after it is registered.

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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Autonomous Sanctions Regulations 2011

1 Regulation 3

Insert:

*Australian Obligated Nuclear Material* means Australian uranium, and nuclear material derived from Australian uranium, that is subject to obligations under Australia’s bilateral nuclear cooperation agreements.

*money-market instruments* means instruments, other than instruments of payment, that are normally dealt in on the money market, such as treasury bills, certificates of deposit and commercial papers.

*tradeable securities* means transferable securities, other than instruments of payment, that are negotiable on the capital market, including but not limited to the following:

(a) shares in companies, or securities that are equivalent to shares in companies, partnerships or other entities, and depositary receipts in respect of such shares or securities;

(b) bonds or other forms of securitised debt, including depositary receipts in respect of such bonds or other forms of securitised debt;

(c) any other securities that give the right to acquire or sell such transferable securities, or give rise to a cash settlement.

2 At the end of Part 1

Add:

3A Interpretative rule for provisions that specify both a part of a country and that country

(1) If both part of a country, and the country, are specified in regulation 4, 4A or 5, the following rules apply:

(a) for regulation 4—goods are export sanctioned goods for the part of the country if they are export sanctioned goods for the...

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Regulation 2014
country, but are not export sanctioned goods for the country merely because they are export sanctioned goods for the part;

(b) for regulation 4A—goods are import sanctioned goods for the part of the country if they are import sanctioned goods for the country, but are not import sanctioned goods for the country merely because they are import sanctioned goods for the part;

(c) for regulation 5—a service is a sanctioned service for the part of the country if it is a sanctioned service for the country, but is not a sanctioned service for the country merely because it is a sanctioned service for the part.

(2) If more than one part of a country is specified in regulation 4, 4A or 5, the parts are to be considered separately (even if one part is located within the other), and the following rules apply:

(a) for regulation 4—goods are not export sanctioned goods for one part merely because they are export sanctioned goods for another part;

(b) for regulation 4A—goods are not import sanctioned goods for one part merely because they are import sanctioned goods for another part;

(c) for regulation 5—a service is not a sanctioned service for one part merely because it is a sanctioned service for another part.

3 Subregulations 4(1) and (2)

After “country” (wherever occurring), insert “or part of a country”.

4 Subregulation 4(2) (table heading)

Repeal the heading, substitute:
Countries or parts of countries and export sanctioned goods

5 Subregulation 4(2) (table, heading to column headed “Country”)

Repeal the heading, substitute:
Country or part of country

6 Subregulation 4(2) (before table item 2)

Insert:
Schedule 1 Amendments

<table>
<thead>
<tr>
<th>No.</th>
<th>Jurisdiction</th>
<th>Description</th>
</tr>
</thead>
</table>
| 1   | Crimea       | Equipment and technology, of a kind specified by the Minister in an instrument under this regulation, relating to the creation, acquisition or development of infrastructure in one or more of the following sectors:  
(a) transport;  
(b) telecommunications;  
(c) energy;  
(d) the exploitation of oil, gas and mineral reserves in Crimea. |
| 7   |             | **Subregulation 4(2) (after table item 3)**  
Insert: |
| 3A  | Russia       | (a) Arms or related matériel.  
(b) Equipment and technology, of a kind specified by the Minister in an instrument under this regulation, for use in any of the following:  
(i) deep water oil exploration or production in Russia;  
(ii) Arctic oil exploration or production in Russia;  
(iii) a shale oil project in Russia.  
(c) Australian Obligated Nuclear Material. |
| 3B  | Sevastopol   | Equipment and technology, of a kind specified by the Minister in an instrument under this regulation, relating to the creation, acquisition or development of infrastructure in one or more of the following sectors:  
(a) transport;  
(b) telecommunications;  
(c) energy;  
(d) the exploitation of oil, gas and mineral reserves in Sevastopol. |

4  
*Autonomous Sanctions Amendment (Russia, Crimea and Sevastopol)*  
*No. , 2014*  
*Regulation 2014*
8 Subregulation 4(3)
   After “country”, insert “or part of a country”.

9 At the end of paragraph 4A(1)(b)
   Add “or part of a country”.

10 Subregulation 4A(2)
   Omit all the words after “for the country”, substitute:
   or part of a country mentioned in the item if:
   (a) the goods are exported from the country or part of a country;
   or
   (b) other than for Crimea or Sevastopol—the goods originate in
   the country or part of a country.

11 Subregulation 4A(2) (table, before the column headings)
   Insert:
   Countries or parts of countries and sanctioned imports

12 Subregulation 4A(2) (table, heading to column headed
   “Country”)
   Repeal the heading, substitute:
   Country or part of country

13 Subregulation 4A(2) (before table item 1)
   Insert:
   1AA Crimea All goods

14 Subregulation 4A(2) (after table item 1)
   Insert:
   |   |   |
   | 1A | Russia | Arms or related matériel |
   | 1B | Sevastopol | All goods |

15 Subregulation 4A(3)
   After “country”, insert “or part of a country”.

No. 5, 2014  Autonomous Sanctions Amendment (Russia, Crimea and Sevastopol) Regulation 2014
16 **After subregulation 5(1)**

Insert:

(1A) Subregulation (1) does not apply to a sanctioned supply of an export sanctioned good for Russia mentioned in paragraph (b) of the column headed “Goods” of item 3A of the table in subregulation 4(2) (certain equipment and technology relating to oil).

17 **Subregulation 5(4)**

After “country” (wherever occurring), insert “or part of a country”.

18 **Subregulation 5(4) (table heading)**

Repeal the heading, substitute:

Countries or parts of countries and activities

19 **Subregulation 5(4) (table, heading to column headed “Country”)**

Repeal the heading, substitute:

Country or part of country

20 **Subregulation 5(4) (before table item 2)**

Insert:

<p>| | |</p>
<table>
<thead>
<tr>
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</table>
| 1 | Crimea  
|   | (a) The manufacture, maintenance or use of an export sanctioned good for Crimea.  
|   | (b) Engagement in a sanctioned commercial activity for Crimea. |

21 **Subregulation 5(4) (after table item 3)**

Insert:

| 3A | Russia  
|---|---|
|   | (a) A military activity.  
<p>|   | (b) The manufacture, maintenance or use of an export sanctioned good for Russia mentioned in paragraph (a) or (c) of the column headed “Goods” of item 3A of the table in subregulation 4(2) (arms or related matériel and Australian Obligated... |</p>
<table>
<thead>
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<tbody>
<tr>
<td>3B</td>
<td>Sevastopol</td>
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<tr>
<td></td>
<td>(a) The manufacture, maintenance or use of an export sanctioned good for Sevastopol.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) Engagement in a sanctioned commercial activity for Sevastopol.</td>
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</tbody>
</table>

### 22 At the end of regulation 5

Add:

(6) For these Regulations, a *sanctioned service* is also, for Russia, the provision to Russia, or to a person, entity or body for use in Russia, of a service mentioned in subregulation (7) that is necessary for any of the following:

- (a) deep water oil exploration or production in Russia;
- (b) Arctic oil exploration or production in Russia;
- (c) a shale oil project in Russia.

(7) For subregulation (6), the services are the following:

- (a) drilling;
- (b) well-testing;
- (c) logging and completion services;
- (d) supply of specialised floating vessels.

### 23 At the end of regulation 5A

Add:

(5) For these Regulations, *sanctioned commercial activity* also means the direct or indirect purchase or sale of, or any other dealing with, bonds, equity, transferable securities, money market instruments or other similar financial instruments, if the financial instrument:

- (a) is issued, after the commencement of this subregulation, by an entity specified in subregulation (6); and
- (b) has a maturity period specified by the Minister in an instrument under this regulation for the financial instrument and the entity.

(6) For paragraph (5)(a), the entities are the following:
(a) a major financial institution, or other major institution that:
   (i) is incorporated, or was established, in Russia and has an explicit mandate to promote competitiveness in the Russian economy, its diversification and the encouragement of investment; and
   (ii) at the commencement of this subregulation, was over 50% publicly owned or controlled; and
   (iii) is specified by the Minister in an instrument under this regulation;
(b) a body corporate or other entity that:
   (i) is incorporated, or was established, in Russia; and
   (ii) is predominantly engaged in major activities relating to the development, production, sale or export of military equipment or services; and
   (iii) is specified by the Minister in an instrument under this regulation;
(c) a body corporate or other entity that:
   (i) is incorporated, or was established, in Russia; and
   (ii) is over 50% publicly owned or controlled; and
   (iii) is involved in the sale or transportation of crude oil or petroleum products; and
   (iv) is specified by the Minister in an instrument under this regulation;
(d) a body corporate or other entity that is incorporated, or was established, outside Australia and is over 50% owned or controlled by an institution, body corporate or entity referred to in paragraph (a), (b) or (c);
(e) a body corporate or other entity acting on behalf of, or at the direction of, an institution, body corporate or entity referred to in paragraph (a), (b), (c) or (d).

(7) For these Regulations, sanctioned commercial activity also means:
   (a) the granting by a person of any financial loan or credit; or
   (b) the establishment by a person of a joint venture; relating to:
   (c) the creation, acquisition or development of infrastructure in any of the following sectors in Crimea or Sevastopol:
       (i) transport;
(ii) telecommunications;
(iii) energy; or
(d) the exploitation of oil or gas, or of mineral resources specified by the Minister in an instrument under this regulation, in Crimea or Sevastopol.

(8) For these Regulations, sanctioned commercial activity also means the acquisition or extension by a person of an interest in an enterprise that was established in Crimea or Sevastopol and is engaged in an activity referred to in paragraph (7)(c) or (d).