**Australian Government**

# Australian Customs and Border Protection Service

**AUSTRALIAN CUSTOMS AND BORDER PROTECTION NOTICE NO. 2011/09**

# Prohibiting the import and export of arms and related materiel to and from Libyan Arab Jamahiriya (Libya)

On 26 February 2011, the United Nations Security Council (UNSC) adopted resolution 1970, banning trade in arms and related materiel to and from Libya. The resolution was adopted in response to the use of violence by the Libyan regime against its own people.

Resolution 1970 obliges Member States to take steps to prevent the direct or indirect supply, sale or transfer to and from, the Libyan Arab Jamahiriya of arms or related materiel, including paramilitary goods. Australia complies with UNSC Sanctions through a range of measures, including administration and enforcement of the Customs Regulations.

With effect from 17 March 2011, the importation from Libyan Arab Jamahiriya of arms and related materiel (including paramilitary equipment) is prohibited under Regulation 4ZB of the *Customs (Prohibited Imports) Regulations 1956* unless permission has been granted by the Minister for Foreign Affairs.

Also as of 17 March 2011, the exportation of arms and related materiel whose immediate or final destination is, or is intended to be, the Libyan Arab Jamahiriya is prohibited under Regulation 13CS of the *Customs (Prohibited Exports) Regulations 1958* unless permission has been granted by the Minister for Foreign Affairs. In addition to this new regulation, existing Regulation 13E controls the exportation of a wide range of dual use goods listed in the *Defence and Strategic Goods List.* Goods listed in Regulation 13E cannot be exported without the prior permission of the Minister for Defence.

The import or export of goods in contravention of these regulations is an offence under the Customs Act 1901. Penalties for individuals are imprisonment for not more than 10 years, or a fine not exceeding three times the value of the goods or $275 000, whichever is the greater, or both. Penalties for bodies corporate are a fine not exceeding three times the value of the goods or

$1,100,000, whichever is the greater.

Public enquiries on permit requirements and application processes under these regulations should be directed to:

Director

Sanctions and Transnational Crime Department of Foreign Affairs and Trade Email: [sanctions@dfat.gov.au](mailto:sanctions@dfat.gov.au) Facsimile: 61-2-6261 2144

For further information regarding this notice, please contact the Manager, Counter Proliferation on (02) 6275 6189 or fax (02) 6275 6699.

National Manager

Trade Policy and Regulation Branch March 2011

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