

No. 24 of 2015.

*United Nations Financial Sanctions Act 2015.*

Certified on : 20 JAN 2015



No. of 2015.

*United Nations Financial Sanctions Act 2015.*

**ARRANGEMENT OF SECTIONS.**

**PART I. - PRELIMINARY.**

1. Compliance with constitutional requirements.
2. Application of Criminal Code.
3. Application.
4. Act to bind the State.
5. Interpretation.

**PART II. - DESIGNATION PROCESS.**

6. Designations by the United Nations Security Council.
7. Interim designations by the Prime Minister.
8. Duration of interim designations.
9. Final designation by the Court.
10. Duration of final designation.
11. Review and revocation of designations.
12. Notification of designations and revocations.
13. Contents of a notice of designation to a designated person or entity.

**PART III. - PROHIBITIONS AND AUTHORISATIONS RELATING TO ASSETS.**

14. Prohibition against dealing with assets.
15. Prohibition against making assets and financial services available.
16. Requests to the Commissioner of Police.
17. Authorisations relating to assets and financial services.
18. Reporting obligations.

**PART IV. - INFORMATION GATHERING AND INFORMATION SHARING.**

19. Powers to request information and documents.
20. Production of documents.
21. Failure to comply with a request for information.
22. Disclosure of information by the Prime Minister.
23. Communications from Foreign Governments.

**PART V. - MISCELLANEOUS.**

24. Report to the National Security Council.
25. Sanctions Secretariat.
26. Consolidated list of designations.
27. Protection from liability for acts done in good faith.
28. Delegated authority.
29. Power to make Regulations.

**SCHEDULE 1.** - United Nations Security Council Resolutions.

**SCHEDULE 2.** - United Nations Security Council Resolution 1373.



No. of 2015.

AN ACT

entitled

***United Nations Financial Sanctions Act 2015,***

Being an Act which enables the Government of Papua New Guinea to prevent terrorism and other matters of international concern, and to give effect to Article 41 of the Charter of the United Nations by imposing prohibitions arising from United Nations Security Council Resolutions,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**PART I. - PRELIMINARY.**

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely:

- (a) the right to freedom of assembly and association conferred by Section 47; and
- (b) the right to freedom of employment conferred by Section 48; and
- (c) the right to privacy conferred by Section 49; and
- (d) the right to protection from unjust deprivation of property conferred by Section 53,

of the *Constitution* is a law that is made for the purpose of complying with Section 38 of the *Constitution*, taking into account the National Goals and Directive Principles and Basic Social Obligations, and is a law made for the purpose of giving effect to the public interest in public safety and public welfare by establishing a regime to enable Papua New Guinea to impose prohibitions against dealing with assets and making assets and financial services available, in relation to designated persons and entities in order to combat terrorism, the proliferation of weapons of mass destruction and other matters of international concern which pose a threat to public safety and public welfare, and the law is reasonably justifiable in a democratic society having proper regard for the rights and dignity of mankind.

**2. APPLICATION OF CRIMINAL CODE.**

The *Criminal Code Act 1974* applies to all offences under this Act.

**3. APPLICATION.**

(1) This Act applies -

- (a) in Papua New Guinea; and
- (b) to all citizens of Papua New Guinea and bodies corporate incorporated under a law of Papua New Guinea wherever located.

(2) For the avoidance of doubt, Section 12 of the Criminal Code applies to all offences under this Act.

*United Nations Financial Sanctions*

4. **ACT TO BIND THE STATE.**

This Act binds the State.

5. **INTERPRETATION.**

The following definitions apply for the purpose of this Act:

“asset” means funds, property and financial resources of every kind, whether tangible or intangible, corporeal or incorporeal, moveable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including but not limited to currency, bank credits, deposits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit and any interest, dividends, income or value accruing from, generated by or derived from such asset;

“authorisation” means a permission granted by the Prime Minister to act in contravention of a prohibition and can include conditions imposed on the permission;

“basic expense” means an expense necessary for reasons including but not limited to the following:

- (a) obtaining foodstuffs; and
- (b) paying rent or mortgage; and
- (c) obtaining medicine or medical treatment; and
- (d) paying taxes; and
- (e) paying insurance premiums; and
- (f) paying public utility charges; and
- (g) paying reasonable professional fees; and
- (h) paying reasonable expenses associated with the provision of legal services; and
- (i) paying fees or service charges that are in accordance with laws of Papua New Guinea for the routine holding or maintenance of a frozen asset;

“Consolidated List” means the list of all designated persons and entities maintained by the Sanctions Secretariat under Section 26;

“contractual obligation” means an obligation whereby a payment is required under contracts or agreements made before the date of the designation and where the payment required does not defeat the object and purpose of this Act;

“court” means the National Court of Papua New Guinea or the Supreme Court of Papua New Guinea;

“deal” when used in relation to an asset includes the transfer, conversion, disposition, movement or use of the asset;

“designated person or entity” means a person or entity -

- (a) designated by the Prime Minister or the court under this Act; or
- (b) designated by the United Nations Security Council or its Committees pursuant to Resolutions listed in Schedule 1 to this Act or prescribed by Regulations made under Subsection 29(2);

“DNFBP” means “DNFBP” as defined in Section 5(1) of the *Anti-Money Laundering and Counter Terrorist Financing Act 2015*;

“entity” includes any unincorporated body, group, association, organisation or legal arrangement;

“extraordinary expense” means any payment which is not a basic expense or a contractual obligation that the Prime Minister considers to be necessary and that he considers does not defeat the object and purpose of this Act;

## *United Nations Financial Sanctions*

“financial institution” means “financial institution” as defined in Section 5 of the *Anti-Money Laundering and Counter Terrorist Financing Act 2015*;

“financial service” means any service of a financial nature, including but not limited to:

- (a) insurance related service such as -
  - (i) direct life insurance; and
  - (ii) reinsurance; and
  - (iii) insurance brokerage; and
  - (iv) service related to insurance such as consultancy, risk assessment and claim settlement service; and
- (b) banking and other service such as -
  - (i) accepting deposits and other repayable funds; and
  - (ii) lending and credit service; and
  - (iii) financial leasing; and
  - (iv) payment and money transmission service; and
  - (v) providing guarantees and commitments; and
  - (vi) financial trading such as in foreign exchange, transferable securities or other negotiable instruments; and
  - (vii) issuing securities of any kind; and
  - (viii) money brokering; and
  - (ix) asset management; and
  - (x) service related to the services in Paragraph (b) such as analysis, research and advisory service;

“frozen asset” means an asset which cannot be dealt with due to a prohibition imposed by Section 14;

“Prime Minister” means the Prime Minister of Papua New Guinea appointed under Section 142 of the *Constitution*;

“National Court” means the National Court of Papua New Guinea;

“National Security Advisory Committee” means the National Security Advisory Committee established under Section 11 of the *Prime Minister and National Executive Council Act 2002*;

“person” means any natural person or body corporate;

“Sanctions Secretariat” means the Sanctions Secretariat referred to under Section 25;

“terrorist act” means -

- (a) any act which constitutes an offence within the scope of, and as defined in one of the treaties listed in the annex to the 1999 *International Convention for the Suppression of the Financing of Terrorism*; or
- (b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing an act;

“terrorist financing” means the provision or collection of assets by any means, directly or indirectly, with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out a terrorist act.

### • PART II. - DESIGNATION PROCESS.

#### 6. DESIGNATIONS BY THE UNITED NATIONS SECURITY COUNCIL.

Designation of a person or entity by the United Nations Security Council or its Committees pursuant to Article 41 of the Charter of the United Nations and under a Resolution listed in Schedule 1 or prescribed by the Regulations -

- (a) shall have immediate application in Papua New Guinea; and

## *United Nations Financial Sanctions*

- (b) shall have the immediate effect of imposing the prohibitions in this Act; and
- (c) can only be revoked by the United Nations Security Council or its Committees; and
- (d) shall continue in force until it is revoked by the United Nations Security Council or its Committees.

### **7. INTERIM DESIGNATIONS BY THE PRIME MINISTER.**

(1) Pursuant to a Resolution listed in Schedule 2, the Prime Minister, acting on the advice of the National Security Advisory Committee, must make an interim designation of a person or entity where there are reasonable grounds to believe that -

- (a) the person or entity is or has been involved in a terrorist act or terrorist financing, including attempting, participating in or facilitating a terrorist act or terrorist financing; or
- (b) the person or entity is owned or controlled directly or indirectly by a person or entity within Paragraph (a); or
- (c) the person or entity is acting on behalf of or at the direction of a person or entity within Paragraph (a).

(2) It is immaterial whether the terrorist act in question is a specific terrorist act or terrorist acts generally.

(3) The decision-making process of the National Security Advisory Committee under this section shall be in accordance with the Committee's decision-making processes under the *Prime Minister and National Executive Council Act 2002*.

(4) The National Security Advisory Committee must take into consideration any relevant communication from a foreign government or the United Nations Security Council or its Committees when advising the Prime Minister whether a person or entity should be designated.

(5) The Prime Minister's interim designation of a person or entity has immediate application in Papua New Guinea.

(6) The Prime Minister's interim designation of a person or entity has the immediate effect of imposing the prohibitions in this Act.

### **8. DURATION OF INTERIM DESIGNATIONS.**

(1) An interim designation made by the Prime Minister under Section 7 shall continue in force until -

- (a) it is revoked by the Prime Minister under Subsection 11(2); or
- (b) it is revoked by the National Court under Subsection 9(4); or
- (c) it expires.

(2) Where an interim designation is not revoked by the Prime Minister or by the National Court, the interim designation shall expire at the end of the period of one year from the date on which it was made.

(3) The Prime Minister, acting on the advice of the National Security Advisory Committee, may re-designate the person or entity in accordance with Section 7 at any time before the designation expires.

## *United Nations Financial Sanctions*

(4) A re-designation by the Prime Minister under Subsection (3) expires at the end of the period of one year from the date on which the re-designation was made unless revoked by the Prime Minister or by the National Court.

(5) For the avoidance of doubt -

- (a) there is no limit on the number of times the Prime Minister can re-designate the person or entity pending a decision by the National Court regarding the revocation of that person or entities' interim designation under Subsection 9(4); and
- (b) the Prime Minister can only make an interim designation of a person or entity whose designation has been previously revoked by the National Court under Paragraph 9(4)(a) where the grounds for that interim designation involve new or additional information to that which was previously considered by the National Court.

### **9. FINAL DESIGNATION BY THE COURT.**

(1) Where the Prime Minister has made an interim designation under Section 7, the Prime Minister must, as soon as reasonably practicable, make an application to the National Court to seek a final designation.

(2) For the avoidance of doubt, the person or entity that is the subject of the Prime Minister's application to the National Court for a final designation has the right to appear before the Court to dispute the application.

(3) The National Court must make a final designation of a person or entity where there are reasonable grounds to believe that -

- (a) the person or entity is or has been involved in a terrorist act or terrorist financing, including attempting, participating in or facilitating a terrorist act or terrorist financing; or
- (b) the person or entity is owned or controlled directly or indirectly by a person or entity within Paragraph (a); or
- (c) the person or entity is acting on behalf of or at the direction of a person or entity within Paragraph (a).

(4) The National Court must revoke the Prime Minister's interim designation of a person or entity where -

- (a) the National Court finds that the grounds for designation are not satisfied; or
- (b) the National Court makes a designation under Subsection (3).

(5) For the avoidance of doubt, and subject to Section 8, the Prime Minister's interim designation remains in force until the National Court makes an order revoking the interim designation under Subsection (4).

(6) The National Court may make any other order within its power.

(7) The National Court's final designation of a person or entity has immediate application in Papua New Guinea.

(8) The National Court's final designation of a person or entity has the immediate effect of imposing the prohibitions under this Act.



## *United Nations Financial Sanctions*

### **10. DURATION OF FINAL DESIGNATIONS.**

- (1) A final designation made by the National Court shall continue in force until -
  - (a) it is revoked by the National Court following an application for revocation by the Prime Minister; or
  - (b) it is revoked by a court following an appeal or an application for judicial review by the designated person or entity; or
  - (c) it expires.

(2) Where a final designation is not revoked by a court, a final designation expires at the end of the period of three years beginning on the date on which the final designation was made.

(3) The Prime Minister, acting on the advice of the National Security Advisory Committee, may make an application to the National Court to re-designate the person or entity at any time before the final designation expires.

(4) The National Court may re-designate the person or entity in accordance with the grounds for designation under Subsection 9(3).

(5) A re-designation by the National Court expires at the end of the period of three years from the date on which the re-designation was made unless revoked by a court.

(6) For the avoidance of doubt, there is no limit on the number of times the National Court can re-designate the person or entity.

### **11. REVIEW AND REVOCATION OF DESIGNATIONS.**

(1) The Prime Minister shall periodically review all interim designations, final designations and Prime Ministerial and court re-designations to determine whether the grounds for the designation continue to be satisfied.

(2) The Prime Minister, acting on the advice of the National Security Advisory Committee, shall revoke an interim designation or a Prime Ministerial re-designation, where he is of the view that the grounds for designation are no longer satisfied.

(3) The Prime Minister, acting on the advice of the National Security Advisory Committee, shall make an application to the National Court to revoke a final designation or a National Court re-designation, where he is of the view that the grounds for designation are no longer satisfied.

(4) The National Court, on application by the Prime Minister under Subsection (3), shall revoke a final designation or re-designation if the Court is of the view that the grounds for designation are no longer satisfied.

### **12. NOTIFICATION OF DESIGNATIONS AND REVOCATIONS.**

Where -

- (a) a designation or revocation is made by the United Nations Security Council or its Committees in respect of a person or entity located in Papua New Guinea; or
- (b) an interim designation or a revocation is made by the Prime Minister; or
- (c) a final designation or a revocation is made by a court; or
- (d) a re-designation is made by the Prime Minister or the National Court; or

## *United Nations Financial Sanctions*

- (e) an interim designation, final designation, court re-designation or Prime Ministerial re-designation has expired,  
the Prime Minister must, without delay, use any necessary means to notify -
- (i) financial institutions and DNFBPs who have reporting obligations under the *Anti-Money Laundering and Counter Terrorist Financing Act 2015*; and
  - (ii) any other person or entity considered necessary by the Prime Minister, other than the designated person or entity,
- of the designation, re-designation, revocation or expiry; and
- (f) cause to be published the designation, re-designation, revocation or expiry in the National Gazette; and
  - (g) within a reasonable time, cause to be given written notice of the designation, re-designation, revocation or expiry to the designated person or entity.

### **13. CONTENTS OF A NOTICE OF DESIGNATION TO A DESIGNATED PERSON OR ENTITY.**

Where the Prime Minister issues a notice under Paragraph (12)(g), the notice must contain the following matters:

- (a) the grounds for designation and the information relied on in making the designation, with the exception of information that, in the opinion of the Prime Minister, should not be disclosed on the grounds that it would prejudice national security; and
- (b) the duration of the designation; and
- (c) details of the prohibition imposed; and
- (d) the right to appear before the National Court to dispute an application by the Prime Minister for a final designation; and
- (e) the rights of appeal against a designation; and
- (f) information as to the procedure for making an application for authorisation to act in contravention of a prohibition.

## **PART III. - PROHIBITIONS AND AUTHORISATIONS RELATING TO ASSETS.**

### **14. PROHIBITION AGAINST DEALING WITH ASSETS.**

(1) A person who deals with an asset knowing that the asset is owned, controlled or held, directly or indirectly, wholly or jointly, by or on behalf of or at the direction of a designated person or entity is guilty of a crime.

- Penalty:
- (a) if the offender is a natural person - a fine not exceeding K100,000.00 or imprisonment for a term not exceeding nine years or both; or
  - (b) if the offender is a body corporate - a fine not exceeding K450,000.00 or an amount equivalent to the value of the asset, whichever is greater.

(2) For the purpose of Subsection (1), knowledge may be inferred from objective factual circumstances.

(3) A person who deals with an asset reckless as to whether the asset is owned, controlled or held, directly or indirectly, wholly or jointly, by or on behalf of or at the direction of a designated person or entity is guilty of a crime.

## *United Nations Financial Sanctions*

- Penalty: (a) if the offender is a natural person - a fine not exceeding K50,000.00 or imprisonment for a term not exceeding five years, or both; or
- (b) if the offender is a body corporate - a fine not exceeding K250,000.00 or an amount equivalent to the value of the asset, whichever is greater.

(4) It is a defence to Subsections (1) or (3) if the person has an authorisation under Section 17.

(5) It is not a defence to Subsections (1) and (3) that a response from the Commissioner of Police verifying a suspicion under Subsection 16(4) had not been received.

### **15. PROHIBITION AGAINST MAKING ASSETS AND FINANCIAL SERVICES AVAILABLE.**

- (1) A person who -
- (a) makes an asset or financial service available knowing that it is being made available, directly or indirectly, wholly or jointly, to a designated person or entity or a person or entity owned or controlled or acting on behalf of a designated person or entity; or
- (b) makes an asset or financial service available to any person knowing that the asset or financial service is for the benefit of a designated person or entity, is guilty of a crime.

- Penalty: (a) if the offender is a natural person - a fine not exceeding K100,000.00 or imprisonment for a term not exceeding nine years, or both; or
- (b) if the offender is a body corporate - a fine not exceeding K450,000.00 or an amount equivalent to the value of the asset, whichever is greater.

(2) For the purpose of Subsection (1), knowledge may be inferred from objective factual circumstances.

- (3) A person who -
- (a) makes an asset or financial service available reckless as to whether it is being made available, directly or indirectly, wholly or jointly, to a designated person or entity or a person or entity owned or controlled or acting on behalf of a designated person or entity; or
- (b) makes an asset or financial service available to any person reckless as to whether the asset or financial service is for the benefit of a designated person or entity, is guilty of a crime.

- Penalty: (a) if the offender is a natural person - a fine not exceeding K50,000.00 or imprisonment for a term not exceeding five years or both; or
- (b) if the offender is a body corporate - a fine not exceeding K250,000.00 or an amount equivalent to the value of the asset, whichever is greater.

## *United Nations Financial Sanctions*

(4) For the purpose of this section it is immaterial whether the asset is located inside or outside Papua New Guinea.

(5) It is a defence to Subsections (1) and (3) if -

- (a) the person has an authorisation under Section 17; or
- (b) a payment, including by way of interest or other earnings, is made to an account containing frozen assets and that payment is also frozen.

### **16. REQUESTS TO THE COMMISSIONER OF POLICE.**

(1) A person who holds an asset which he suspects is, or may be, owned, controlled or held on behalf of or at the direction of a designated person or entity may make a request in writing to the Commissioner of Police to help verify that suspicion.

(2) The request must be accompanied by details of the asset and the owner or controller of the asset as is known to the person making the request.

(3) The Commissioner of Police must use his best endeavours to assist a person who has made a request under Subsection (1).

(4) As soon as is reasonably practicable after receiving a request under Subsection (1), the Commissioner of Police must respond in writing.

### **17. AUTHORISATIONS RELATING TO ASSETS AND FINANCIAL SERVICES.**

(1) A person may apply in writing to the Prime Minister for authorisation to -

- (a) deal with a frozen asset; or
- (b) make an asset or financial service available to a designated person or entity.

(2) The Prime Minister may authorise dealing with a frozen asset or making available an asset or financial service to a designated person or entity -

- (a) at the Prime Minister's own instigation; or
- (b) on application by a person;

where the asset is required to meet -

- (c) a basic expense; or
- (d) a contractual obligation; or
- (e) an extraordinary expense.

(3) For the avoidance of doubt, the Prime Minister may authorise the management, or administration of a frozen asset for purposes including, but not limited to, maintaining the value of the asset.

(4) The Prime Minister may not authorise dealing with a frozen asset or making available of an asset or financial service to a designated person or entity where there are reasonable grounds to believe that the asset or financial service will be used for a purpose other than a purpose listed in Subsection (2).

(5) Where an application is made under Subsection (1) the Prime Minister must determine the application within a reasonable time and respond to the applicant in writing.

## *United Nations Financial Sanctions*

(6) Prior to authorising dealing with a frozen asset or the making available of an asset or financial service, the Prime Minister must -

- (a) seek any approvals required by, and make any notifications required to, the United Nations Security Council or its Committees; and
- (b) consider any communication from a foreign government relevant to the authorisation.

(7) The Prime Minister may impose conditions on any authorisations granted.

### **18. REPORTING OBLIGATIONS.**

Nothing in this Act limits the reporting obligations on a financial institution or DNFBP imposed by the *Anti-Money Laundering and Counter Terrorist Financing Act 2015*.

## **PART IV. - INFORMATION GATHERING AND INFORMATION SHARING.**

### **19. POWERS TO REQUEST INFORMATION AND DOCUMENTS.**

(1) Where the Prime Minister believes that it is necessary for the purpose of monitoring compliance with or detecting evasion of this Act, the Prime Minister may request, in writing, any person to provide information or produce documents in his possession or subject to his control.

(2) The Prime Minister may specify the manner in which, and the period within which, information or documents are to be provided.

(3) A request made under Subsection (1) may include a continuing obligation to keep the Prime Minister informed as circumstances change, or on such regular basis as the Prime Minister may specify.

(4) Notwithstanding any other Act or any contractual obligation imposing confidentiality obligations, a person must comply with a request made under Subsection (1).

(5) For the avoidance of doubt, Subsection (4) does not affect any privileges under the underlying law or a Constitutional Law.

### **20. PRODUCTION OF DOCUMENTS.**

Where a request is made for the production of documents, the Prime Minister may -

- (a) take copies of or extracts from any document so produced; and
- (b) request any person producing a document to give a written explanation of it.

### **21. FAILURE TO COMPLY WITH A REQUEST FOR INFORMATION.**

(1) A person who -

- (a) fails to comply with a request made under Section 19; or
- (b) gives information, or produces a document, knowing it is false in a material particular in response to a request made under Section 19; or
- (c) destroys, mutilates, defaces, conceals or removes a document with the intention of evading a request made under Section 19,

is guilty of a crime.

Penalty: (a) if the offender is a natural person - a fine not exceeding K50,000.00 or imprisonment for a term not exceeding five years, or both; or

## *United Nations Financial Sanctions*

- (b) if the offender is a body corporate - a fine not exceeding K250,000.00.

(2) For the purposes of Subsection (1), knowledge may be inferred from objective factual circumstances.

(3) It is a defence to a prosecution under Paragraph (1)(a) that the person has reasonable excuse for failing to comply with the request for information or documents.

(4) A person who gives information, or produces a document, reckless as to whether it is false in a material particular in response to a request made under Section 19 is guilty of a crime.

- Penalty: (a) if the offender is a natural person - a fine not exceeding K10,000.00 or imprisonment for a term not exceeding two years, or both; or  
(b) if the offender is a body corporate - a fine not exceeding K50,000.00.

(5) Where a person is convicted of an offence under this section, the court may make an order requiring that person, within such period as may be specified in the order, to comply with the request.

### **22. DISCLOSURE OF INFORMATION BY THE PRIME MINISTER.**

The Prime Minister may disclose any information obtained under this Act to any agency or body, including an international agency or body, for the purposes of -

- (a) detecting, investigating or prosecuting an indictable offence; and
- (b) enforcing the *Proceeds of Crime Act 2005* or this Act; and
- (c) enabling or assisting an official trustee to discharge his functions under enactments relating to insolvency; and
- (d) monitoring or enforcing compliance with the *Anti-Money Laundering and Counter Terrorist Financing Act 2015*; and
- (e) enabling or assisting international law enforcement co-operation under police to police co-operation mechanisms, the *Mutual Assistance in Criminal Matters Act 2005* and other relevant mechanisms and laws; and
- (f) enabling or assisting any country or territory outside Papua New Guinea to exercise functions corresponding to those of the Prime Minister or the court under this Act; and
- (g) enabling or assisting the United Nations Security Council or its Committees in implementing United Nations Security Council Resolutions listed in Schedule 1 or prescribed by Regulations.

### **23. COMMUNICATIONS FROM FOREIGN GOVERNMENTS.**

The Prime Minister may either directly or through diplomatic channels transmit, receive and respond to communications from foreign governments or the United Nations Security Council or its Committees with regard to the powers exercisable under this Act.

## **PART V. - MISCELLANEOUS.**

### **24. REPORT TO THE NATIONAL SECURITY COUNCIL.**

(1) The Prime Minister must provide an annual report to the National Security Council by 31 March regarding the administration of this Act.

## *United Nations Financial Sanctions*

- (2) The report shall include information regarding -
- (a) designations and revocations made under this Act by the Prime Minister or the National Court; and
  - (b) designations and revocations made by the United Nations Security Council or its Committees relating to citizens of Papua New Guinea or persons located in Papua New Guinea; and
  - (c) communications to or from foreign governments or the United Nations Security Council or its Committees under Section 23; and
  - (d) investigations and prosecutions for offences under this Act.

### **25. SANCTIONS SECRETARIAT.**

- (1) There is established a Sanctions Secretariat.

(2) The Sanctions Secretariat shall be the Secretariat to the National Security Advisory Committee established within the Department of Prime Minister and National Executive Council under the *Prime Minister and National Executive Council Act 2002*.

(3) The Sanctions Secretariat may exercise functions necessary for the administration of this Act, including -

- (a) supporting the National Security Advisory Committee and the Prime Minister in the exercise of their powers and functions under this Act; and
- (b) maintaining an up-to-date Consolidated List of all persons and entities that are designated under this Act; and
- (c) specifying such forms and notices as are necessary in the implementation of this Act; and
- (d) receiving reports under Subsection 95(2) of the *Anti-Money Laundering and Counter Terrorist Financing Act 2015*; and
- (e) facilitating the sharing of information with other agencies or bodies in accordance with Section 22; and
- (f) issuing publically available guidance documents to promote and aid compliance with this Act; and
- (g) publishing information on procedures for disputing a prohibition on the basis of a false match against the Consolidated List.

### **26. CONSOLIDATED LIST OF DESIGNATIONS.**

(1) The Sanctions Secretariat shall make the Consolidated List freely available to the public subject to the procedures under Section 12 for notification of designations, re-designations, revocations and expiries.

(2) The Consolidated List must contain -

- (a) sufficient information to identify the designated person or entity; and
- (b) sufficient information regarding the prohibitions imposed; and
- (c) such other facts as may be relevant to the designation.

### **27. PROTECTION FROM LIABILITY FOR ACTS DONE IN GOOD FAITH.**

No person is subject to any civil or criminal liability, action, claim or demand for anything done or omitted to be done in good faith under or for the purposes of this Act.

**28. DELEGATED AUTHORITY.**

The Prime Minister may delegate, in writing, to an officer of the Sanctions Secretariat to exercise any or all of his powers and functions under this Act, other than the power of delegation conferred by this section, the interim designation power under Section 7, the re-designation power under Section 8 and the revocation power under Subsection 11(2).

**29. POWER TO MAKE REGULATIONS.**

(1) The Head of State, acting on advice, may make Regulations not inconsistent with this Act prescribing all matters which are -

- (a) by this Act required or permitted to be prescribed; or
- (b) necessary or convenient to be prescribed for giving effect to this Act.

(2) Without limiting Subsection (1), the Regulations may prescribe additional United Nations Security Council Resolutions.

**SCHEDULE 1.**

**United Nations Security Council Resolutions.**

**Section 6.**

United Nations Security Council Resolutions are -

- (a) United Nations Security Council Resolutions on Al-Qaida (Resolutions 1267/1989 and successor resolutions); and
- (b) United Nations Security Council Resolutions on Taliban (Resolution 1988 and successor resolutions); and
- (c) United Nations Security Council Resolutions on Democratic People's Republic of Korea (Resolution 1718 and successor resolutions); and
- (d) United Nations Security Council Resolutions on Iran (Resolution 1737 and successor resolutions).

**SCHEDULE 2.**

**United Nations Security Council Resolution 1373.**

**Section 7.**

United Nations Security Council Resolutions on the Suppression of Terrorism (Resolution 1373 and successor resolutions).



*United Nations Financial Sanctions*

I hereby certify that the above is a fair print of the *United Nations Financial Sanctions Act 2015* which has been made by the National Parliament.

Acting Clerk of the National Parliament.

20 JAN 2016

I hereby certify that the *United Nations Financial Sanctions Act 2015* was made by the National Parliament on 30 July 2015, by an absolute majority as required by the *Constitution*.

Speaker of the National Parliament.

20 JAN 2016