

Charter of the United Nations Amendment Act 2021

No. 106, 2021

An Act to amend the *Charter of the United Nations Act 1945*, and for related purposes

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An Act to amend the *Charter of the United Nations Act 1945*, and for related purposes

[*Assented to 13 September 2021*]

The Parliament of Australia enacts:

1 Short title

This Act is the *Charter of the United Nations Amendment Act 2021*.

2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | The day after this Act receives the Royal Assent. | 14 September 2021 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments

Charter of the United Nations Act 1945

1 Subsection 15(1)

After “must”, insert “, by legislative instrument,”.

2 Subsection 15(3)

After “may”, insert “, by legislative instrument,”.

3 Subsections 15(6) and (7)

Repeal the subsections.

4 Subsection 16(1)

After “Minister may”, insert “, by legislative instrument,”.

5 Subsections 16(3) and (4)

Repeal the subsections.

6 Before section 39

Insert:

38A Effect of certain listings

(1) In this section:

***listing***:

(a) means one of the following as in force at any time before the commencement of this section:

(i) a listing under subsection 15(1) of a person or entity;

(ii) a listing under subsection 15(3) of an asset or class of asset; and

(b) to avoid doubt, includes a listing given effect by regulation 4 of the previous regulations.

***previous regulations*** means the *Charter of the United Nations (Terrorism and Dealings with Assets) Regulations 2002*.

***registered*** means registered on:

(a) the Federal Register of Legislation (within the meaning of the *Legislation Act 2003*); or

(b) the Register (within the meaning of the *Legislative Instruments Act 2003* as in force before 5 March 2016).

(2) Subsection (4) applies if, apart from this section, a listing would not have applied, or been enforceable, in relation to a person at a time before the commencement of this section only because the listing was not registered at the time.

(3) Subsection (4) also applies if, apart from this section, a listing would not have applied in relation to a person at a time before the commencement of this section only because the listing was taken to be repealed by paragraph 32(2)(b) of the *Legislative Instruments Act 2003* (as in force before 5 March 2016) because the listing had not been registered by a particular time.

(4) The listing is taken, for all purposes, to have been registered at the time.

(5) To avoid doubt:

(a) anything done or purported to have been done by a person that would have been invalid except for subsection (4) is taken always to have been valid, despite any effect that may have on the accrued rights of any person; and

(b) this section applies in relation to civil and criminal proceedings, including proceedings that are pending or concluded.

[*Minister’s second reading speech made in—*

*House of Representatives on 11 August 2021*

*Senate on 31 August 2021*]

(92/21)