

## **Explanatory Statement**

Issued by the Authority of the Minister for Foreign Affairs

### *Charter of the United Nations Act 1945*

#### *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 2)*

The purpose of *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 2)* (Amendment Declaration) is to make a consequential amendment to the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008* to reflect an amendment made to the *Charter of the United Nations (Sanctions – Somalia) Regulations 2008*.

The Amendment Declaration also specifies as UN sanction enforcement laws section sections 20 (Dealing with Freezable Assets) and section 21 (Giving an Asset to a Prescribed Person or Entity) of the *Charter of the United Nations Act 1945* (the Act). Specifying sections 20 and 21 as UN enforcement law allows the penalties of section 27(1) and (5) the Act to apply.

Sub-sections 27(1) and (5) of the Act provide respectively that individuals and bodies corporate commit an offence if they engage in conduct that contravenes a UN sanction enforcement law. 'UN sanction enforcement law' is defined in section 2 of the Act to mean a provision that is specified in an instrument under sub-section 2B(1) of the Act. Section 2B provides that the Minister may, by legislative instrument, specify a provision of a law of the Commonwealth to be a UN sanction enforcement law to the extent that the provision gives effect to decisions that the United Nations Security Council has made under Chapter VII of the Charter of the United Nations which Article 25 of the Charter requires Australia to carry out, in so far as those decisions require Australia to apply measures not involving the use of armed force.

By item 1 of Schedule 1 of this instrument the Minister declared regulations 12, 13 and 14 of the *Charter of the United Nations (Sanctions – Somalia) Regulations 2008* to be UN sanction enforcement laws pursuant to sub-section 2B(1) of the Act for the purposes of section 27 and related provisions of the Act.

By item 2 of Schedule 1 of this instrument, the Minister declared sections 20 and 21 of the *Charter of the United Nations Act 1945* to be UN sanction enforcement laws pursuant to sub-section 2B(1) of the Act for the purposes of section 27 and related provisions of the Act.

Details of the Legislative Instrument are set out in the [Annex](#).

Paragraph 1 of the Amendment Declaration provides that the name of the Amendment Declaration is the *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2009 (No. 2)*

Paragraph 2 provides that the Amendment Declaration shall commence on the day after it is registered.

Paragraph 3 provides that Schedule 1 of the Amendment Declaration amends the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

Schedule 1, item 1 provides that Schedule 1 of the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008* is amended to substitute at item 11 regulations 8, 10, 12, 13 and 14 of the *Charter of the United Nations (Sanctions – Somalia) Regulations 2008* in place of regulation 8 and 10.

Schedule 1, item 2 provides that Schedule 1 of the *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2008* is amended to insert after item 14, an item 15 which specifies sections 20 and 21 of the *Charter of the United Nations Act 1945* as UN sanction enforcement laws.