

EXPLANATORY STATEMENT

Select Legislative Instrument 2010 No. 33

Issued by the Authority of the Minister for Foreign Affairs

Charter of the United Nations Act 1945

Charter of the United Nations (Dealing with Assets) Amendment Regulations 2010 (No.1)

The purpose of the Regulations is to update the *Charter of the United Nations (Dealing with Assets) Regulations 2008* (the Principal Regulations) in order to bring them into conformity with decisions of the United Nations Security Council (UNSC) set out in Resolution 1907, adopted 23 December 2009, imposing sanctions against Eritrea.

Section 6 of the *Charter of the United Nations Act 1945* provides that the Governor-General may make regulations for and in relation to giving effect to decisions that the Security Council has made under Chapter VII of the Charter of the United Nations (UN) 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.

The Principal Regulations provide for a range of measures related to provisions in regulations made under the *Charter of the United Nations Act 1945* (Act) which implement decisions of the UNSC to impose targeted financial sanctions under Chapter VII of the Charter of the UN. Regulation 4 of the Principal Regulations includes a definition of “Sanctions Regulations” which lists all relevant regulations made under the Act to which the Principal Regulations are to apply.

The Regulations amend regulation 4 of the Principal Regulations to insert into the definition of the “Sanctions Regulations” the *Charter of the United Nations (Sanctions – Eritrea) Regulations 2010*, which were made subsequent to the making of the Principal Regulations. The Regulations further amend the definition of “Sanctions Regulations” in regulation 4 of the Principal Regulations by removing the *Charter of the United Nations (Sanctions – Rwanda) Regulations 2008*, which were repealed on 30 August 2008.

The Act specifies no conditions that need to be satisfied before the power to make the proposed Regulations may be exercised.

No public consultation was undertaken under section 17 of the *Legislative Instruments Act 2003* before this instrument was made as the instrument was required as a matter of urgency, in accordance with section 18 of the *Legislative Instruments Act 2003*, to comply with reporting requirements mandated by the UNSC.

Details of the Regulations are set out in the Annex.

Authority:

Section 6 of the
Charter of the United Nations Act 1945

Annex*Charter of the United Nations (Dealing with Assets) Amendment Regulations 2010 (No. 1)*

Details of the Regulations are as follows:

Regulation 1 states that the name of the proposed Regulations is the *Charter of the United Nations (Dealing with Assets) Amendment Regulations 2010 (No. 1)*.

Regulation 2 provides that the Regulations commence of the day after they are registered.

Regulation 3 provides that Schedule 1 would amend the *Charter of the United Nations (Dealing with Assets) Regulations 2008*.

Schedule 1 Amendment

Item 1 amends regulation 4 by inserting *Charter of the United Nations (Dealing with Assets) Amendment Regulations 2010 (No.)* into the definition of “Sanctions Regulations” as paragraph (da).

Item 2 amends regulation 4 by omitting paragraph (i).