

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 2010 (No. 1)

The purpose of *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2010 (No. 1)* (Amendment Declaration) is to make a consequential amendment to the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008* to reflect the making of the *Charter of the United Nations (Sanctions – Eritrea) Regulations 2010* and the repeal of the *Charter of the United Nations (Sanctions – Rwanda) Regulations 2008*.

Sub-sections 27(1) and (5) of the *Charter of the United Nations Act 1945* (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 the Amendment Declaration, a new Schedule 1 was substituted for the existing Schedule 1 to the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*. Schedule 1 specifies the provisions of laws of the Commonwealth that are 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.

The substituted Schedule specifies that Regulations 8, 9, 10, 11, 12 and 13 of the *Charter of the United Nations (Sanctions – Eritrea) Regulations 2010*, Regulation 13CR of the *Customs (Prohibited Exports) Regulations 1958* and regulation 4ZA of the *Customs (Prohibited Imports) Regulations 1956* are UN sanction enforcement laws. The substituted Schedule omits reference to provisions of the *Charter of the United Nations (Sanctions – Rwanda) Regulations 2008* as these regulations were repealed as of 30 August 2008.

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 United Nations Security Council.

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

*Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2010
(No. 1)*

Details of the Amendment Declaration are as follows:

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 2010 (No. 1)*

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 substitutes a new Schedule 1 of the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*. The substituted Schedule 1 adds a new item 5, which provides that Regulations 8, 9, 10, 11, 12 and 13 of the *Charter of the United Nations (Sanctions – Eritrea) Regulations 2010* are UN sanction enforcement laws. The substituted Schedule 1 deletes the reference to the provisions of the *Charter of the United Nations (Sanctions – Rwanda) Regulations 2008* which was previously item 9. The items that were numbered 5, 6, 7 and 8 in the previous Schedule 1 are numbered 6, 7, 8 and 9 respectively in the substituted schedule. The substituted schedule adds the regulation 13CR of the *Customs (Prohibited Exports) Regulations 1958* to item 13 and regulation 4ZA of the *Customs (Prohibited Imports) Regulations 1956* to item 14.