

Explanatory Statement

Issued by the Authority of the Minister for Trade

Charter of the United Nations Act 1945

Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2011 (No. 1)

The purpose of *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2011 (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 – Libyan Arab Jamahiriya) Regulations 2011*.

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 6, 8, 9, 11 and 12 of the *Charter of the United Nations (Sanctions – Libyan Arab Jamahiriya) Regulations 2011*, Regulation 13CS of the *Customs (Prohibited Exports) Regulations 1958* and regulation 4ZB of the *Customs (Prohibited Imports) Regulations 1956* are UN sanction enforcement laws.

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 2011
(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 2011 (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 10, which provides that Regulations 6, 8, 9, 11 and 12 of the *Charter of the United Nations (Sanctions – Libyan Arab Jamahiriya) Regulations 2011* are UN sanction enforcement laws. The items that were numbered 10, 11, 12, 13, 14 and 15 in the previous Schedule 1 are numbered 11, 12, 13, 14, 15 and 16 respectively in the substituted schedule. The substituted schedule adds the regulation 13CS of the *Customs (Prohibited Exports) Regulations 1958* to renumbered item 14 and regulation 4ZB of the of the *Customs (Prohibited Imports) Regulations 1956* to renumbered item 15.