

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 2017 (No. 2)

The purpose of the *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2017 (No. 2)* (the 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 – Democratic People’s Republic of Korea) Amendment (2017 Measures No.1) Regulations 2017*.

Subsections 27(1) and (5) of the *Charter of the United Nations Act 1945* (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 subsection 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, the Minister substituted for the existing Schedule 1 of the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008* a replacement Schedule 1. The replacement Schedule 1 specifies the provisions of Commonwealth laws that are UN sanction enforcement laws pursuant to subsection 2B(1) of the Act for the purposes of section 27 and related provisions of the Act. The substituted Schedule includes references to all of the provisions of the *Charter of the United Nations (Sanctions-Democratic People’s Republic of Korea) Regulations 2008* (as amended by the *Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Amendment (2017 Measures No.1) Regulations 2017*) that are declared to be UN sanction enforcement laws, including the new regulation 13AA of the *Charter of the United Nations (Sanctions-Democratic People’s Republic of Korea) Regulations 2008*.

No public consultation was undertaken under section 17 of the *Legislation Act 2003* before this instrument was made as the instrument represents a minor amendment and does not substantially alter existing arrangements, in accordance with section 17(2) of the *Legislation Act 2003*.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2017 (No. 2)

The Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2017 (No. 2) (Amendment Declaration) makes consequential amendments to the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008 (Declaration)* to reflect the *Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Amendment (2017 Measures No. 1) Regulations 2017*. The *Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Amendment (2017 Measures No. 1) Regulations 2017* amended the *Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Regulations 2008*.

Each item in Schedule 1 of the Declaration is specified as a UN sanction enforcement law. The Amendment Declaration substitutes a new Schedule 1 to include all the provisions of the *Charter of the United Nations (Sanctions - Democratic People’s Republic of Korea) Regulations 2008* (as amended by the *Charter of the United Nations (Sanctions – Democratic People’s Republic of Korea) Amendment (2017 Measures No. 1) Regulations 2017*) that are declared to be UN sanction enforcement laws, including the new regulation 13AA of the *Charter of the United Nations (Sanctions-Democratic People’s Republic of Korea) Regulations 2008*.

The consequential amendments made by the Amendment Declaration do not engage, and are therefore compatible with, the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.