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. 3)


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.


In addition, and in accordance with section 8 of the Charter of the United Nations Act 1945, the Charter of the United Nations (Sanctions – Liberia) Regulations 2008 ceased to have effect with the adoption of UN Security Council Resolution 2288 (2016). The substituted Schedule therefore no longer includes any reference to the Charter of the United Nations (Sanctions – Liberia) 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

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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.