

## **Explanatory Statement**

### **Select Legislative Instrument 2007 No. 114**

Issued by the Authority of the Minister for Foreign Affairs

*Charter of the United Nations Act 1945*

*Charter of the United Nations (Sanctions – Iran) Amendment Regulations 2007 (No. 1)*

The purpose of the Regulations is to implement Australia's obligations under United Nations Security Council Resolution (UNSCR) 1747, adopted on 24 March 2007, to extend the trade and financial sanctions imposed against Iran under UNSCR 1737 (2006).

UNSCR 1737 required Australia to prevent the supply, sale or transfer of nuclear and missile related materials which could contribute to Iran's proliferation sensitive nuclear activities as well as related technical assistance, training and financial assistance. The Resolution also required Australia to prohibit the procurement of specified items from Iran, and to impose financial sanctions against persons and entities designated in the Resolution.

Under UNSCR 1747 Australia must prohibit the procurement by its nationals, directly or indirectly, or using its flag vessels or aircraft, of any arms or related materiel from Iran, whether or not originating in the territory of Iran. UNSCR 1747 also expands the list of persons and entities subject to financial sanctions imposed under UNSCR 1737.

UNSCR 1747 was adopted under Article 41 of Chapter VII of the Charter of the United Nations and the measures are binding on Australia pursuant to Article 25 of the Charter.

Australia generally implements territorial aspects of trade sanctions via specific regulations under the *Customs (Prohibited Imports) Regulations 1956* and the *Customs (Prohibited Exports) Regulations 1958*, which are administered by the Australian Customs Service.

The Regulations ensure that those aspects of the extended sanctions imposed against Iran by UNSCR 1747 which cannot be implemented under existing legislation are adequately implemented into domestic law.

The relevant United Nations Security Council Resolutions can be found on the UN website ([www.un.org](http://www.un.org)). Australia has an obligation under Article 25 of the United Nations Charter to carry out decisions of the Security Council. All relevant Commonwealth Government Departments were consulted prior to the drafting of these Regulations.

Details of the Regulations are contained in Annex I.

**Details of the Charter of the United Nations (Sanctions – Iran) Amendment Regulations 2007 (No. 1)**

**Regulation 1 – Name of Regulations**

This regulation provides that the title of the Regulations is the *Charter of the United Nations (Sanctions – Iran) Amendment Regulations 2007 (No. 1)*.

**Regulation 2 – Commencement**

This regulation provides for the Regulations to commence on the day after they are registered.

**Regulation 3 – Amendment of *Charter of the United Nations (Sanctions – Iran) Regulations 2007***

This regulation provides that Schedule 1 amends the *Charter of the United Nations (Sanctions – Iran) Regulations 2007*

**Schedule 1 - Amendments to the *Charter of the United Nations (Sanctions – Iran) Regulations 2007***

- Regulation 3 currently provides that the object of the Regulations is to give effect to United Nations Security Council Resolution 1737 (2006). The amendments in item [1] provide that the object of the Regulations is to give effect to United Nations Security Council Resolutions (UNSCR) 1737 (2006) and 1747 (2007).
- Items [2] to [6] insert or amend definitions in regulation 4. Item [2] inserts a definition of “arms or related matériel”, item [3] amends the definition of “designated entity” to include entities designated in UNSCR 1747, item [4] amends the definition of “designated person” to include persons designated in UNSCR 1747, item [5] inserts a definition of “paramilitary equipment” and item [6] inserts a definition of “Resolution 1747”.
- Item [7] inserts a new Part 3A related to the procurement of arms or related materiel from Iran.
  - Regulation 10A is inserted to provide that Part 3A applies within Australia and extraterritorially to citizens of Australia outside of Australia.
  - Regulation 10B is inserted to prohibit conduct that results in the procurement of arms or related matériel from Iran, or a person in Iran, regardless of whether the arms or related matériel originated in Iran. Regulation 10B gives effect to Operative Paragraph (OP) 5 of Security Council Resolution 1747.

Penalty: 50 penalty units

- Item [8] inserts a new regulation 12A to provide for a specific prohibition on the use of Australian aircraft and ships resulting in the procurement of arms or related matériel from Iran. The regulation applies to owners, pilots in command, and operators of Australian aircraft and owners, masters and operators of Australian ships, regardless of whether the arms or related matériel originated in Iran. Regulation 12A gives effect to the specific obligations on aircraft and vessels in OP 5 of Security Council Resolution 1747.

Penalty: 50 penalty units