

EXPLANATORY STATEMENT

Select Legislative Instrument 2010 No. 325

Charter of the United Nations Act 1945

Charter of the United Nations (Sanctions — Sierra Leone) Repeal Regulations 2010

The purpose of the Regulations is to repeal the *Charter of the United Nations (Sanctions — Sierra Leone) Regulations 2008* (the Principal Regulations), which were made on 10 April 2008 (repealing the *Charter of the United Nations (Sanctions – Sierra Leone) Regulations 1997*) and which implemented United Nations Security Council (UNSC) sanctions in relation to Sierra Leone.

Section 6 of the *Charter of the United Nations Act 1945* provides that the Governor-General may make regulations for, and in relation to, giving effect to decisions that the UNSC has made under Chapter VII of the Charter of the United Nations (the Charter) and those that 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.

UNSC resolutions 1132 (8 October 1997) and 1171 (5 June 1998) required Australia to prevent the unauthorised supply, sale or transfer, directly or indirectly, to Sierra Leone of arms and related matériel. Australia was required to prevent such supply, sale or transfer from Australian territory, by Australian nationals, by persons using Australian flag vessels, and by persons using Australian flag aircraft.

On 29 September 2010, the UNSC adopted resolution 1940 which terminated the prohibitions on the supply, sale or transfer of arms and related matériel to Sierra Leone. Accordingly, the Regulations repeal the Principal Regulations, which formerly gave effect to UNSC sanctions in relation to Sierra Leone.

Regulations made under the *Customs Act 1901*, which also gave effect to prohibitions on the supply, sale or transfer of arms and related matériel to Sierra Leone imposed by UNSC resolutions 1132 and 1171, will be amended to reflect the termination of UNSC sanctions in relation to Sierra Leone.

The Australian Customs and Border Protection Service, Attorney-General's Department and Department of Defence were consulted during the preparation of the Regulations. Interdepartmental and industry consultations were undertaken during the preparation of the Principal Regulations. Public consultations on the implementation of regulations made under the *Charter of the United Nations Act 1945* are conducted annually. No specific public consultation was undertaken in relation to the present regulations as they implement Australia's international legal obligations arising from decisions of the UNSC.

Resolutions 1132, 1171 and 1940 were adopted under Article 41 of Chapter VII of the Charter and the measures are binding on Australia pursuant to Article 25 of that Charter. The relevant UNSC resolutions can be found on the UN website (www.un.org).

Details of the Regulations are set out in the Attachment.

Attachment**Details of the *Charter of the United Nations (Sanctions — Sierra Leone) Repeal Regulations 2010*****Regulation 1 – Name of the Regulations**

Regulation 1 provides that the name of the Regulations is the *Charter of the United Nations (Sanctions — Sierra Leone) Repeal Regulations 2010*.

Regulation 2 – Commencement

Regulation 2 provides that the Regulations are taken to have commenced on 29 September 2010.

Regulation 3 – Repeal

Regulation 3 provides that the *Charter of the United Nations (Sanctions — Sierra Leone) Regulations 2008* are repealed.