

Explanatory Statement

Issued by the Authority of the Minister for Foreign Affairs

Charter of the United Nations (Sanctions – Iran) Regulations 2008

Charter of the United Nations (Sanctions – Iran) (Export Sanctioned Goods) List Amendment Determination 2011 (No. 1)

The *Charter of the United Nations (Sanctions – Iran) Regulations 2008* (the Regulations) commenced on 24 March 2008. The purpose of the Regulations is to implement Australia's obligations under United Nations Security Council Resolution 1737 (2006) and subsequent related Resolutions 1747 (2007) and 1803 (2008), to impose sanctions in relation to Iran. These Resolutions were 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 that Charter.

Sub-regulation 5(2) of the Regulations provides that the Minister for Foreign Affairs (the Minister) may determine, by legislative instrument, a list of goods that would be export sanctioned goods for the purposes of the Regulations, if the Minister is satisfied the specified goods could, if supplied to Iran, contribute to enrichment-related, reprocessing, heavy water-related activities, the development of nuclear weapon delivery systems, or to the pursuit of activities about which the International Atomic Energy Agency ("IAEA") has expressed concern or identified as outstanding. This list of goods is the Charter of the United Nations (Sanctions – Iran) (Export Sanctioned Goods) List Determination 2008 (the List).

This instrument adds a Note to item 6 in Part 1, Division 1 of the List to clarify the scope of that item. Item 6 refers to "Nuclear detection systems for the detection, identification or quantification of radioactive materials and radiation of nuclear origin, that are not specified in the Defence and Strategic Goods List". The Note confirms that "Item 6 does not include liquid scintillation counters specially designed for medical use".

The need for the Note arises from the fact that medical liquid scintillation counters are designed to detect and measure carbon-14 or other beta emitters, which makes them "nuclear detection systems" within the meaning of item 6. Medical liquid scintillation counters could not, however, contribute to Iran's programs of concern and should not, therefore, be subject to the same restrictions as other nuclear detection systems.

The relevant United Nations Security Council Resolutions can be found on the UN website (www.un.org). Australia has an obligation under Article 25 of the United Nations Charter to implement decisions of the Security Council. Relevant Commonwealth Government Departments were consulted prior to and during the drafting of this legislative instrument.