

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 2015 (No. 3)

The purpose of *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2010 (No. 3)* (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 – Yemen) Regulation Amendment Regulation 2015 (No. 1)* and to make a consequential amendment to correctly reflect the *Charter of the United Nations (Sanctions- Syria) Regulation 2015*.

Sub-sections 27(1) and (5) of 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 sub-section 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 specifying the provisions of laws of the Commonwealth that are UN sanction enforcement laws pursuant to sub-section 2B(1) of the Act for the purposes of section 27 and related provisions of the Act. The substituted Schedule includes Regulations 4D and 4E of the *Charter of the United Nations (Sanctions-Yemen) Amendment Regulation 2015 (No. 1)* and removes Regulation 5 of the *Charter of the United Nations (Sanctions – Syria) Regulation 2015* as a UN Sanction Enforcement Law (which had been erroneously included in an earlier Amendment Declaration).

No public consultation was undertaken under section 17 of the *Legislative Instruments 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 18(2)(a) of the *Legislative Instruments Act 2003*.

Details of the Legislative Instrument are set out in the [Annex](#).

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 2013 (No. 3)

*The Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2015 (No. 3) (**Amendment Declaration**) makes consequential amendments to the Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008 (**Declaration**) to reflect the enactment of the Charter of the United Nations (Sanctions – Yemen) Amendment Regulation 2015 (No. 1) (**Yemen Regulation**) and to correctly reflect the Charter of the United Nations (Sanctions-Syria) Regulation 2015 (**Syria Regulation**).*

Each item in Schedule 1 of the Declaration is specified as a UN sanction enforcement law. The Amendment Declaration substitutes a new Schedule 1 so that it includes as items regulations 4D and 4E of the Yemen Regulation. Regulations 4D and 4E of the Yemen Regulation implement the decision by the UNSC in resolutions 2216 of 14 April 2015. It also removes Regulation 5 of the Syria Regulation which had been included in error in an earlier version of the Amendment Declaration.

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*.

Annex

Paragraph 1 of the Amendment Declaration provides that the name of the Amendment Declaration is the *Charter of the United Nations (UN Sanction Enforcement Law) Amendment Declaration 2010 (No. 3)*.

Paragraph 2 provides that the Amendment Declaration shall commence on the day after it is registered.

Paragraph 3 provides that Schedule 1 of the Amendment Declaration amends the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*.

Schedule 1, item 1 substitutes a new Schedule 1 of the *Charter of the United Nations (UN Sanction Enforcement Law) Declaration 2008*. The substituted Schedule 1 adds a new item, which provides that Regulations 4D and 4E of the *Charter of the United Nations (Sanctions – Yemen) Amendment Regulation 2015* are UN sanction enforcement laws and removes Regulation 5 of the *Charter of the United Nations (Sanctions-Syria) Regulation 2015* as a UN Sanction Enforcement Law.