

OFFICIAL

Joint Standing Committee on Foreign Affairs, Defence and Trade

Topic: Inquiry into the role of Australia's international development program in preventing conflict

Senator Tim Watts

Question

CHAIR: Finally, if Hansard can pick this up, I want to recognise the extraordinary work that DFAT has done in driving the launch of the Declaration for the Protection of Humanitarian Personnel, now joined by more than 100 countries. Obviously, it's designed to incentivise countries to make pledges for concrete measures to keep humanitarian personnel safe and enable them to do their work in conflict and disaster zones. Consistent with that, in the last term of government, the Joint Standing Committee on Foreign Affairs, Defence and Trade—this committee—completed an inquiry into the review of the operation of the amendments made by the Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act, and recommended: ... the Australian Government, in consultation with the humanitarian sector, amends the Autonomous Sanctions Act 2011 to provide a standing exemption from all sanctions measures for legitimate humanitarian assistance, consistent with the approach taken in United Nations Security Council Resolution 2664 (2022). We've heard from many humanitarian groups before this inquiry that the protections afforded to them as Australians are different to the protections afforded to them by US, Canadian or UK legal regimes. Perhaps, given the context, it's best to **take on notice, but I reiterate the committee's ongoing interest in the progressing of this matter. If you can provide a further update on what's being done to respond to this recommendation to implement sanctions exemptions for legitimate humanitarian assistance, that would assist the committee.**

Mr Isbister: I can assure you it's being focused on in Steve's area. Legal are engaged in it. **We'll come back to you on it.**

Answer

Australia's sanctions laws empower the Foreign Minister to issue sanctions permits, including for humanitarian purposes, where it is in the national interest to do so.

The Department of Foreign Affairs and Trade has also taken note of Recommendation 5 of the Committee's report on Australia's thematic sanctions framework, recommending that the Government amend the *Autonomous Sanctions Act 2011* to provide a standing exemption from all sanctions measures for legitimate humanitarian assistance, consistent with the approach taken in United Nations Security Council Resolution 2664 (2022). This follows a review of Australia's sanctions laws in 2023-24, in which many stakeholders were generally supportive of a legislated humanitarian exemption for autonomous sanctions. DFAT is continuing to provide advice to Government on areas for reform of Australia's sanctions laws, noting any reforms agreed to need to be completed by 1 October 2027, when the Autonomous Sanctions Regulations 2011 are due to sunset.

In relation to terrorism offences contained in the *Criminal Code Act 1995* (the Criminal Code), DFAT engages closely with the Attorney General's Department (AGD), as AGD is responsible for administering the Criminal Code. DFAT is in contact with AGD in relation to requests made by the NGO sector for a humanitarian exemption to terrorism offences in the Criminal Code. DFAT is in regular communication with Australian NGOs to better understand their concerns.

DFAT continues to engage closely with Australian NGOs and other stakeholders on this issue. DFAT will update the Committee of reforms, public policy positions or announcements relevant to these issues.