



## **Australian Government**

**Australian Government response to the Joint Standing  
Committee on Foreign Affairs, Defence and Trade  
Human Rights Sub-Committee report:**

*Criminality, corruption and impunity: Should Australia  
join the Global Magnitsky movement?*

5 August 2021

## Introduction

The Australian Government welcomes the opportunity to respond to the report of the Joint Standing Committee on Foreign Affairs, Defence and Trade Human Rights Sub-Committee (the Sub-committee) on its inquiry into the use of targeted sanctions to address human rights abuses: *Criminality, corruption and impunity: Should Australia join the Global Magnitsky movement?* (the report).

The Government recognises and appreciates the work of the Sub-committee. It is a comprehensive and detailed report, with 33 recommendations relevant to both the focus of the inquiry and to the administration of Australia's established sanctions framework more broadly.

The Government has carefully considered the report and agrees with the majority of the Sub-committee's recommendations. Australia has a proud history of protecting and promoting human rights globally, and implementation of the majority of the Sub-Committee's recommendations will expand the range of tools available to the Government to respond to situations of international concern involving human rights violations and abuses. Given the broad range of recommendations and their relevance to established processes, the Government's consideration of the report has included close scrutiny of Australia's existing sanctions posture, and whether broader reforms are warranted.

In responding to the Sub-committee's report, the Government will undertake a wide range of reforms to the existing autonomous sanctions framework. Such reforms will be aimed at modernising the legislative basis for Australian autonomous sanctions and ensuring that our autonomous sanctions regimes can adapt to Australia's evolving national interests and more swiftly and effectively be used to respond to situations of international concern. The Government will reform the existing autonomous sanctions framework to identify broad categories of situations in relation to which sanctions can be applied. These situations will include the proliferation of weapons of mass destruction, threats to international peace and security, such as serious human rights violations and abuses and malicious cyber activity, and activities undermining the rule of law and good governance, such as corruption. The reforms will include establishing thematic criteria for sanctions listings which will enable the Minister for Foreign Affairs to impose sanctions on individuals and entities in response to serious human rights violations and abuses and serious corruption occurring anywhere in the world. The reforms will also provide the opportunity to address inconsistent and ambiguous phraseology in the existing sanctions legislation.

Australia can, and already does, impose autonomous sanctions in response to situations of international concern within its existing country-based sanctions regimes. The expansion of the autonomous sanctions framework to include thematic sanctions will build on this existing approach, and enhance the Government's flexibility to deploy sanctions in response to situations of international concern, if deemed appropriate and in our national interest, including in collaboration with our closest partners who have such powers.

The Government will undertake a broader review of Australia's autonomous sanctions framework within 12 months of commencement of the amended legislation to ensure the framework is aligned with contemporary foreign policy objectives. The review—the first of its kind since the establishment of the autonomous sanctions framework a decade ago—will provide the opportunity to achieve efficiencies in existing sanctions processes and ensure that the sanctions regulatory, compliance and enforcement toolkit remains fit-for-purpose. It will provide the opportunity to consider the efficacy of the human rights and corruption-related amendments, including the

decision-making processes, and it will include consideration of whether additional legislative reform is necessary.

While the broader review will consider a range of issues, including compliance and enforcement of our sanctions regimes, the Government does not support any reform that would substantially diminish Ministerial discretion in the making of sanctions listings, facilitate unlimited debate about potential listings, or forewarn potential targets. Accordingly, the Government does not support recommendations made by the Sub-committee that would have such impacts and undermine the effectiveness of sanctions.

The listings of individuals and entities for sanctions will continue to be considered on a case-by-case basis, following consideration of all relevant international obligations, foreign policy considerations and risks. Coordinated sanctions action with international partners will continue to be an option, to be undertaken when Australia deems it in our national interest.

Australians and international partners rightly have high expectations of Australia, and Australia acts decisively and impactfully for the broader good. The Government recognises the importance of safeguarding our economy from the proceeds of the most egregious human rights violations and abuses and corruption. Such reform serves to not only bar such perpetrators from benefitting from the fruits of our democracy, but also to curb criminal foreign influence in our banking systems. Positioning Australia to act more quickly to freeze out perpetrators and beneficiaries in cooperation with likeminded partners will ensure that we do not become an isolated, attractive safehaven for such proceeds.

The Government's response to the Sub-committee's report will ensure that Australia's sanctions framework continues to play an important role in our foreign policy, in defining, defending and demonstrating our values, and supporting our ability to act in support of the international rules-based order.

The Government thanks the Sub-committee for its work in preparing its report, including considering 162 written submissions and holding 8 days of hearings.

## Sub-committee Recommendations

### **Recommendation 1**

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*The Sub-committee recommends that the Australian Government enact stand-alone targeted sanctions legislation to address human rights violations and corruption, similar to the United States' Magnitsky Act 2012.*

**Response:** Agreed in principle.

The Government agrees to introduce a new thematic sanctions regime targeting serious human rights violations and abuses, and serious corruption, as part of broader reforms to the existing autonomous sanctions framework, through amending the *Autonomous Sanctions Act 2011* and making consequential amendments to the *Autonomous Sanctions Regulations 2011*.

The existing autonomous sanctions regime provides a framework for the imposition of sanctions, including targeted financial sanctions and travel bans, although to date such sanctions have been primarily country-based.

The reforms will:

- ensure that the existing autonomous sanctions framework is fit-for-purpose and aligned with contemporary foreign policy objectives, including through the introduction of new thematic human rights and corruption listing criteria;
- identify broad categories of situations of international concern in relation to which sanctions can be applied, including human rights violations and abuses and activities undermining the rule of law and good governance, such as corruption; and
- provide that sanctions and travel bans can be imposed on human rights and corruption grounds without requiring a nexus to a particular country.

Incorporating new thematic criteria into the existing autonomous sanctions framework will ensure consistency of powers, offences and procedural safeguards across Australia's broader autonomous sanctions framework. It will also enable implementation using existing processes and legislative schemes, consistent with Recommendation 30.

The Government will undertake a broader review of Australia's autonomous sanctions framework within 12 months of the commencement of the amended legislation to ensure the framework is aligned with contemporary foreign policy objectives. It will provide the opportunity to consider the efficacy of the human rights and corruption-related amendments, including the decision-making processes, and it will include consideration of whether additional legislative reform is necessary.

### **Recommendation 2**

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*The legislation should include a preamble, which would set out the broad purposes and general principles of the Act.*

**Response:** Agreed in principle.

As part of broader reforms to the autonomous sanctions framework, the Government will amend the *Autonomous Sanctions Act 2011* (the Act) to identify broad categories of situations in relation to which autonomous sanctions may be applied. Such situations will include serious human rights

violations and abuses and serious corruption. Consistent with legislative drafting practice, the amendments will introduce a new objects clause into the Act. The policy objectives and intended purpose of the amendments will be set out in the explanatory memorandum. The Government will issue public-facing guidance to support understanding of and compliance with the new thematic sanctions regime. This will be in addition to existing support mechanisms available through the Australian Sanctions Office within the Department of Foreign Affairs and Trade (DFAT).

### **Recommendation 3**

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*The range of conduct that may be sanctioned should include serious human rights abuse and serious corruption.*

**Response:** Agreed.

The Government agrees to make reforms to the existing autonomous sanctions regime to provide that targeted sanctions can be imposed on the basis of serious human rights violations and abuses, and serious corruption. The Government will give careful consideration to the scope of conduct that will constitute serious human rights violations and abuses and serious corruption.

### **Recommendation 4**

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*The new targeted sanctions legislation should apply to 'serious human rights abuses' with further guidance on thresholds and applicable conduct provided in the preamble.*

**Response:** Agreed in principle.

The Government agrees to amend the existing autonomous sanctions framework to identify broad categories of situations in relation to which autonomous sanctions may be applied, and to include new thematic human rights and corruption-based criteria for sanctioning individuals or entities. The new listing criteria will have a high threshold that applies to serious human rights violations and abuses, and serious corruption, reflecting that the new regime is a foreign policy tool designed to respond to the most egregious situations of international concern.

In respect of human rights, the new thematic criteria will be focused on three particular rights relating to physical integrity: (i) the right to life; (ii) the right to be free from slavery, not to be held in servitude or required to perform forced or compulsory labour; and (iii) the right to not be subjected to torture or cruel, inhuman or degrading treatment or punishment. The regime will also focus on serious corruption.

Although Australia does not recognise a hierarchy of human rights, violations and abuses of these particular rights can have a devastating and often irreversible impact on the physical and mental integrity of a person, as well as on wider society. Focusing on these three rights enables clear criteria to be set for the application of the regime.

The Government recognises the need for guidance on thresholds and applicable conduct, to ensure the new thematic regime is as accessible as possible. The policy objectives and intended purpose of the amendments, and examples of sanctionable conduct, will be set out in the explanatory memorandum and in public-facing guidance.

The efficacy of the human rights and corruption-related amendments to the autonomous sanctions framework will be considered as part of the broader legislative and regulatory review of the autonomous sanctions framework.

#### **Recommendation 5**

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*The preamble acknowledge the importance of maintaining journalist and human rights defenders' human rights and expressly state that systematic extrajudicial actions that intend to limit media freedom can be considered human rights abuses.*

**Response:** Agreed in principle.

The Government agrees with the importance of maintaining journalist and human rights defenders' human rights. Adverse conduct relating to media freedom could give rise to a range of human rights violations and abuses which would fall within the scope of the new regime, depending on the individual circumstances of a case. The new thematic listing criteria will capture limits to media freedom where such limitations involve serious violations or abuses of one of the three specified rights under the regime, such as activities involving the killing, torture or enslavement of journalists.

As per the Government's response to Recommendations 2 and 4, the policy objectives and intended purpose of the amendments, and examples of sanctionable conduct, will be set out in the explanatory memorandum and in public-facing guidance.

Australia actively supports media freedom and the protection of journalists in our region and globally in a number of other direct and practical ways including: advocating for the protection of journalists, bilaterally and in multilateral forums including the UN Human Rights Council; and supporting and developing a strong, professional and sustainable media sector in partner countries in the Indo-Pacific region. Australia also supports international action as a member of the Media Freedom Coalition and the UNESCO Group of Friends on the Safety of Journalists.

#### **Recommendation 6**

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*The legislation should name the range of conduct which can be sanctioned as 'Magnitsky conduct'.*

**Response:** Noted.

It is important that Australia's autonomous sanctions framework is as accessible and comprehensible to the public as possible, now and into the future. The reforms will identify the conduct in relation to which sanctions can be imposed. The Government will seek to ensure that the framework is not limited by context-specific terminology. The amendments will be accessible, consistent with clarity of laws principles, and drafted in accordance with the Office of Parliamentary Counsel's Drafting Directions.

#### **Recommendation 7**

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*Sanctions should be applicable to the immediate family and direct beneficiaries of human rights abusers.*

**Response:** Agreed.

Consistent with several of Australia's existing country-based autonomous sanctions regimes, the Government agrees that the new regime should be capable of being applied broadly (including capturing immediate family and direct beneficiaries of relevant conduct), and subject to ministerial discretion based on analysis of the relevant listing criteria, risks and Australia's national interest, in addition to considerations of procedural fairness and the protection of human rights. It will be critical to ensure the regime has an appropriate level of flexibility to ensure all relevant considerations can be taken into account, and sanctions are only applied beyond the immediate perpetrators of the relevant serious human rights violation or abuse where it is reasonable to do so.

#### **Recommendation 8**

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*The Sub-committee recommends that sanctions be applicable to all entities, including natural persons, corporate entities and both state and non-state organisations.*

**Response:** Agreed.

Consistent with Australia's existing autonomous sanctions framework, the Government agrees that the new regime should be capable of being applied to all entities, subject to the national interest analysis referred to in the response to Recommendation 7.

#### **Recommendation 9**

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*The Sub-committee recommends that sanctions be applicable to associated entities, broadly defined.*

**Response:** Agreed.

The new regime will include the ability, subject to analysis of the national interest referred to in the response to Recommendation 7, to designate entities for targeted financial sanctions where the entity has been involved in, is involved in or is benefiting from, the relevant human rights violation or abuse of concern. This may capture associated entities, depending on the circumstances.

#### **Recommendation 10**

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*The new targeted sanctions legislation should not apply to Australian citizens because they are subject to legislation with similar, if not stronger, consequences. This issue should be re-examined as part of the 3-yearly review.*

**Response:** Noted.

Australian autonomous sanctions are a foreign policy tool, used in pursuit of foreign policy goals. Under the new regime, sanctions will be able to be imposed on any person, including Australian citizens or residents, where a sufficient connection is established between that person and the relevant conduct of concern in a foreign country. Australia's current autonomous sanctions framework does not specifically exclude Australian citizens from the imposition of targeted financial sanctions and travel bans. To date, it has been Australia's practice not to apply sanctions to individuals within its territorial jurisdiction due to the availability of other measures, including

criminal justice processes, and the disproportionate impact of those sanctions on the broader community.

As with existing autonomous sanctions regimes, the appropriateness of imposing sanctions under the new regime will be considered on a case-by-case basis with regard to the particular circumstances and Australia's national interest.

#### **Recommendation 11**

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*The new targeted sanctions legislation be applicable to conduct that has occurred prior to enactment of the legislation.*

**Response:** Agreed.

The new regime will enable the imposition of targeted financial sanctions and travel bans against persons and entities that meet the listing criteria under the regime. The new regime will be incorporated into the existing autonomous sanctions framework, under which the criteria enabling listing for sanctions can include conduct that occurred prior to the commencement of the legislation.

The appropriateness of making any sanctions listings will be considered on a case-by-case basis with regard to the particular circumstances, including the likely effectiveness of sanctions relative to other response measures, and Australia's national interest.

#### **Recommendation 12**

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*The Sub-committee recommends that an independent advisory body be constituted to receive nominations for sanctions targets, consider them and make recommendations to the decision maker.*

**Response:** Not agreed.

Sanctions are a foreign policy tool aimed at achieving foreign policy goals. Decisions to impose targeted financial sanctions and travel bans appropriately rest with the Minister for Foreign Affairs (as per Recommendation 17). Such decisions are made in light of careful consideration of all foreign policy considerations, risks and Australia's national interest. It is important that the Government retain appropriate flexibility in the application of sanctions, as acknowledged by the Sub-committee in its report.

The Government does not agree to the establishment of an independent advisory body. The Government encourages public engagement on human rights issues and, as a matter of practice, considers representations relating to potential sanctions from a wide range of sources.

The Government notes that the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) could perform some of the functions of an independent advisory body, and inquire into and make recommendations on possible listings under the new regime in respect of particular situations of international concern, following referral by the Minister for Foreign Affairs or either House of Parliament. It would also be open to the JSCFADT Human Rights Sub-committee to request that the Department of Foreign Affairs and Trade provide private briefings on human rights situations in particular countries. The JSCFADT is just one means of achieving independent advice,



and any such referrals could complement existing procedures that inform Ministerial decisions on sanctions listings.

### **Recommendation 13**

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*The structure of the independent advisory body should be set out in regulations, and should include the ability to conduct its inquiry in public.*

**Response:** Not agreed.

As per its response to Recommendation 12, the Government does not agree to the establishment of an independent advisory body.

In addition, it is not appropriate for consideration of potential sanctions targets to occur in a public setting. In order to maximise the impact of Australian sanctions it is essential that the potential targets of sanctions do not receive advance notice that sanctions may be applied against them. This could invite potential targets to pre-emptively move any assets or interests they hold in Australia, thereby undermining the intended impact of sanctions. The Government will continue to receive nominations from multiple sources and encourages public engagement on human rights issues.

### **Recommendation 14**

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*The new legislation should require the decision maker to consider recommendations by the advisory body and give reasons for any decision not to adopt a recommendation by the advisory body.*

**Response:** Not agreed.

As per its response to Recommendations 12 and 13, the Government does not agree to the establishment of an independent advisory body.

Further, this process would risk damage to our international relations. It would also impinge on the Minister's broad discretion, which the Sub-committee recommended be maintained (refer Recommendation 20).

### **Recommendation 15**

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*The decision maker should be able to receive nominations from any source.*

**Response:** Agreed.

Any individual or organisation can make representations to the Government regarding potential sanctions targets. Further, consistent with current practice, the Government will conduct regular consultation on human rights issues, and may receive suggestions for sanctions listings from a range of sources. The Government encourages public engagement on human rights issues. The Government will give further consideration to developing a streamlined mechanism to consult with civil society and other stakeholders on listing recommendations under the new regime.

### **Recommendation 16**

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*The legislation, or regulations under the legislation, set out processes to allow Australian authorities to work with other jurisdictions and their sanctions regimes.*

**Response:** Agreed in principle.

The Government agrees that it is appropriate and desirable for Australian authorities to work with international partners on sanctions when it is in Australia's national interest. Australia already engages closely with international partners in relation to sanctions, including to share information about potential sanctions targets. Existing cooperation mechanisms in this regard are appropriately flexible and need not be legislated.

### **Recommendation 17**

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*The Minister for Foreign Affairs be the decision maker.*

**Response:** Agreed.

Sanctions are a foreign policy tool aimed at achieving foreign policy goals. It is appropriate that the decision to impose targeted sanctions rests with the Minister for Foreign Affairs, following consultation across Government to ensure consideration of all relevant foreign policy considerations and risks.

### **Recommendation 18**

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*The Minister for Foreign Affairs should be required to consult with the Attorney-General before making a decision.*

**Response:** Agreed.

Prior to listing, the Minister for Foreign Affairs will be required to consult and obtain the agreement of the Attorney-General, and other relevant Ministers as appropriate. This will ensure sanctions listings decisions are made following consideration of all relevant policy considerations and risks.

### **Recommendation 19**

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*The Sub-committee recommends that the legislation include a requirement to give the targeted person a right of reply, and a requirement for the Minister to consider this, before imposing sanctions.*

**Response:** Not agreed.

In order to achieve the objectives and maximise the impact of Australian sanctions, it is essential that the potential targets of sanctions do not receive advance notice of potential sanctions. Providing advance notice of potential sanctions listings could result in the person or entity moving assets within Australia's jurisdiction to another jurisdiction, undermining the effectiveness of sanctions.

Consistent with the current autonomous and counter-terrorism sanctions framework, consultation will be undertaken with listed persons and entities (or their legal representatives) on potential renewals of sanctions listings. Further, listed persons and entities will be able to apply to the Minister to have their sanctions listing revoked immediately after their imposition, providing an appropriate avenue for the listing to be reconsidered.

#### **Recommendation 20**

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*The Minister for Foreign Affairs should have broad discretion as to whether or not to impose sanctions. This would include the ability to remove or vary sanctions.*

**Response:** Agreed.

Sanctions are a foreign policy tool aimed at achieving foreign policy goals. It is appropriate that the decision to impose, remove or vary targeted sanctions rests with the Minister for Foreign Affairs, following consultation across Government to ensure consideration of all relevant foreign policy considerations and risks.

#### **Recommendation 21**

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*The Sub-committee recommends that the legislation allow for a 'watch list' of people being considered for sanctioning. Inclusion on a watch list should be for a fixed time period, after which a person must either be sanctioned or removed from the list. The watch list should be public.*

**Response:** Not agreed.

In order to maximise the impact of Australian sanctions it is essential that the potential targets of sanctions do not receive advance notice of potential sanctions. Providing advance notice of potential sanctions listings could result in individuals and entities moving assets within Australia's jurisdiction to another jurisdiction, undermining the effectiveness of sanctions.

#### **Recommendation 22**

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*The evidentiary standard for a decision should be the balance of probabilities.*

**Response:** Noted.

The new regime will empower the Minister for Foreign Affairs to list persons and entities for targeted financial sanctions and travel bans where satisfied they meet the relevant listing criteria. Such decisions will be made based on evidence and will ensure that listings decisions are credible, timely and allow the Minister to exercise suitable discretion, as recommended by the Sub-committee. This would be consistent with the Minister's decision-making power under the existing autonomous sanctions framework. The new regime will be established within this framework.

#### **Recommendation 23**

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*The Sub-committee recommends that the legislation require the publication of the names of sanctioned people and the reasons for their listing. This includes all decisions to remove or vary sanctions.*

**Response:** Agreed in principle.

The Government agrees it is important for the public, particularly affected industries, to have up-to-date information about Australian sanctions. Any persons or entities sanctioned under the new regime would be included on the Consolidated List, pursuant to regulation 22 of the *Autonomous Sanctions Regulations*. The Consolidated List provides detail about sanctions listings, including the regime under which each person or entity is listed, and is published on the DFAT website. It is updated to reflect amendments to or removals of listings. DFAT notifies subscribers of these updates. As noted by the Sub-committee in Recommendation 26, it may not always be appropriate to include all reasons as to why a person or entity is listed (for example, some of the material may be classified). Sanctions listing instruments made by the Minister for Foreign Affairs, provide details of persons and entities who are listed, and these are also published on the Federal Register of Legislation.

#### **Recommendation 24**

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*The Sub-committee recommends that the legislation require the Foreign Minister to publish an annual report to Parliament advising of sanctions.*

**Response:** Noted.

The Government encourages public engagement on issues of human rights and foreign policy. The Government considers that there are already existing Parliamentary processes in place that allow for appropriate scrutiny of Australia's sanctions, such as Senate Estimates. Under the existing sanctions framework, the Consolidated List is updated regularly to reflect new listing decisions, and is published on the DFAT website. The Australian Sanctions Office within DFAT, as Australia's sanctions regulator, is subject to the Regulator Performance Framework managed by the Department of the Prime Minister and Cabinet. This framework includes an annual regulator self-assessment report, which is published on the DFAT website.

These processes provide the appropriate level of reporting, transparency and oversight for application of sanctions as a foreign policy tool.

#### **Recommendation 25**

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*The Sub-committee recommends that the Foreign Minister's annual report into the sanctions should stand referred to the JSCFADT for inquiry.*

**Response:** Noted.

As per its response to Recommendation 24, the Government considers that the current reporting, transparency and oversight measures for sanctions are appropriate at this time, in light of their status as a foreign policy tool.

Under the existing sanctions framework, the Consolidated List is updated regularly to reflect new listings decisions, and is published on the DFAT website. The Australian Sanctions Office within DFAT, as Australia's sanctions regulator, is subject to the Regulator Performance Framework managed by the Department of the Prime Minister and Cabinet. This framework includes an annual regulator self-assessment report, which is published on the DFAT website.

#### **Recommendation 26**

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*The Sub-committee recommends that there be limited exemptions from including information on the public register, watch list or annual report for reasons of national security or criminal investigations.*

**Response:** Noted.

The Government agrees that it is important to protect classified information, and to consider the effect on national security and any domestic proceedings before publicising information. It is not appropriate to disclose information that would reveal foreign policy considerations. The Government is committed to best practice transparency, accountability and information handling requirements.

#### **Recommendation 27**

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*The Sub-committee recommends that the legislation include a right for a sanctioned person to request a review of decision. The Minister should be required to conduct a review on request, although the regulations may limit the obligation to conduct reviews.*

**Response:** Agreed.

Consistent with the current approach under the existing autonomous sanctions framework, listed persons and entities will be able to apply to the Minister to have their sanctions listing revoked, providing an avenue for the listing to be reconsidered. Decisions to list persons and entities for sanctions can also be subject to judicial review.

#### **Recommendation 28**

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*The Sub-committee recommends that targeted sanctions legislation be reviewed by the government three years after commencement.*

**Response:** Agreed in principle.

The Government keeps its sanctions framework under regular review. The Government will make reforms to the existing autonomous sanctions framework to identify broad categories of situations of international concern in relation to which sanctions can be applied and to introduce new thematic human rights and corruption listing criteria. The Government will undertake a broader review of Australia's autonomous sanctions framework within 12 months of the commencement of the amended legislation to ensure the framework is aligned with contemporary foreign policy objectives. It will provide the opportunity to consider the efficacy of the human rights and corruption-related amendments, including the decision-making processes, and it will include consideration of whether additional legislative reform is necessary.

### **Recommendation 29**

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*The Sub-committee recommends that the sanctions include visa / travel restrictions, limit access to assets, and restrict access to Australia's financial systems.*

**Response:** Agreed.

The new regime will enable the listings of persons and entities for sanctions if they meet the relevant criteria and if the imposition of sanctions is in Australia's national interest. Such sanctions could include targeted financial sanctions and travel bans. The effect of declaration of a travel ban means that a person is unable to travel to Australia without authorisation; the effect of designation for targeted financial sanctions means that designated persons and entities are unable to access assets they have in Australia (that is, their assets are effectively frozen), or receive assets from persons or entities in Australia without authorisation.

### **Recommendation 30**

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*The Sub-committee recommends that the sanctions, to the extent possible, be implemented using existing processes and legislative schemes.*

**Response:** Agreed.

The Government agrees to the establishment of a new thematic sanctions regime targeting human rights violations and abuses and corruption as part of broader reforms to the existing autonomous sanctions framework, which provides a comprehensive framework for the application of sanctions. The Government will amend the primary legislation, *Autonomous Sanctions Act 2011*, and make consequential amendments to the *Autonomous Sanctions Regulations 2011*. The Government will review the operation of the reforms as part of the broader review of the entire autonomous sanctions framework. This review will ensure that the sanctions regulatory, compliance and enforcement toolkit remains fit-for-purpose in the current foreign policy and international security context.

This will ensure consistency with respect to powers, offences and procedural safeguards. It will also help to minimise the compliance burden the new regime places on industry, in line with the Government's broader deregulation agenda.

### **Recommendation 31**

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*The Sub-committee recommends that the new sanctions regime be accompanied by a public diplomacy strategy to provide guidance to those affected, including Australian businesses.*

**Response:** Agreed.

The Government will implement a public diplomacy strategy to clearly communicate the objectives and operation of the reforms, including consulting relevant stakeholders (particularly industry and non-government organisations). This will include roundtables, other outreach and information-sharing processes.

Close consideration will be given to minimising the compliance burden on industry, in line with the Government's broader deregulation agenda.

The Government considers it is critical to ensure that information about Australia's sanctions is accessible and comprehensible, particularly for impacted industries. The Australian Sanctions Office (ASO) within the Department of Foreign Affairs and Trade currently undertakes outreach to impacted businesses and organisations to support compliance with the existing regulatory framework for sanctions. The ASO will continue to conduct this outreach and will provide guidance to businesses on how they can meet their obligations under the new regime.

The implementation of this recommendation will require dedicated resources.

### **Recommendation 32**

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*The Department of Foreign Affairs and Trade should be given additional resources to implement the sanctions regime. Other departments required to contribute to implementation should also be allocated dedicated resourcing for the task.*

**Response:** Noted.

The new thematic regime will be a new function for the Department of Foreign Affairs and Trade. Decisions about resourcing will be made by the Government.

### **Recommendation 33**

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*The long title of the legislation should include 'Magnitsky' to emphasise links with the Global Magnitsky movement.*

**Response:** Not agreed.

The current Act will be amended but the title will remain the same. The reforms will capture a range of issues broader than those related to Magnitsky or human rights, and will not be targeted against any particular country or issue.

Specifically, the reforms will update the autonomous sanctions framework to identify categories of situations in relation to which sanctions can be applied. The reforms will include a wider review focused on ensuring the existing autonomous sanctions framework is fit-for-purpose and aligned with contemporary foreign policy objectives.