

## **Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Democratic People's Republic of Korea) Amendment List 2013**

*FRLI: F2013L02049*

*Portfolio: Foreign Affairs and Trade*

*Tabled: House of Representatives and Senate, 9 December 2013*

### **Summary of committee concerns**

2.193 The committee reiterates the comments of its predecessor committee in relation to the Autonomous Sanctions regime and has deferred consideration of these instruments in greater detail until it has received the government's response to its request that a review of the sanctions regime be undertaken.

### **Overview**

2.194 The predecessor to this committee discussed the autonomous sanctions regime in its *Sixth* and *Tenth Reports of 2013*.<sup>1</sup>

2.195 The Autonomous Sanctions (Designated Persons and Entities – Democratic People's Republic of Korea) List 2012 sets out a list of persons and entities proscribed by the Minister under the Regulations. The new sanctions include financial and travel restrictions on additional persons and entities associated with the Democratic People's Republic of Korea's (DPRK) weapons of mass destruction proliferation activities.

### **Compatibility with human rights**

#### ***Statement of compatibility***

2.196 The statement of compatibility accompanying the instrument does not state the objective of the instrument (however, this is set out in the explanatory statement) or identify the human rights engaged by it. Nonetheless, the statement of compatibility concludes that the instrument is compatible with human rights.

2.197 The explanatory statement states that the imposition of further Australian autonomous sanctions is designed to increase pressure on the DPRK to comply with its nuclear non-proliferation obligations and with United Nations Security Council resolutions and to engage in serious negotiations on its nuclear and missile programs.

---

1 Refer to the committee's comments in the *Sixth Report of 2013*, tabled on 15 May 2013 for background on the operation of the *Autonomous Sanctions Act 2011* and the *Autonomous Sanctions Regulations 2011*.

2.198 The statement of compatibility states that a person or entity subject to designation or declaration under the Regulations may apply to the Minister for revocation of that decision and that such decisions are judicially reviewable. The statement explains the effect of designation on the person or entity's ability to access their assets.

2.199 In its consideration of the autonomous sanctions regime in its *Sixth Report of 2013* and *Tenth Report of 2013*, the committee noted that:

The effect of designation (which can apply to a person both in and outside Australia) is that the person's assets (including money held in bank accounts) are frozen and can only be made available to them if the Minister grants a permit. A permit will only allow funds to be made available for basic expenses (such as foodstuffs, rent, medicines and taxes), or where a payment is legally or contractually required to be made. In addition, designation under this regime will have flow-on effects so that the Minister for Immigration and Citizenship will deny the issue of a new visa or cancel an existing visa issued to a designated person.<sup>2</sup>

2.200 The committee noted the complexity of this policy area and the need for careful consideration of competing interests. The committee also noted the Minister's preparedness to discuss the broader concerns about human rights compatibility to which autonomous sanctions regimes give rise and wrote to the Minister asking whether the Department of Foreign Affairs and Trade might conduct a comprehensive review of the sanctions regime in light of Australia's international human rights obligations and report back to the committee in the 44<sup>th</sup> Parliament. In his response, the former Minister stated that he had instructed the Department of Foreign Affairs and Trade to carefully consider the committee's recommendation.

2.201 The committee wrote to the Minister for Foreign Affairs and Trade following the tabling of its *First Report of the 44<sup>th</sup> Parliament* to draw her attention to the committee's consideration of these matters and its request for a review of the human rights compatibility of the sanctions regime and to request advice on the progress of this matter.<sup>3</sup>

**2.202 The committee intends to defer more detailed consideration of this instrument until it has received the Minister's response to its request for advice on the progress of the Department of Foreign Affairs and Trade's consideration of the committee's request for a comprehensive review of the sanctions regime in light of Australia's international human rights obligations.**

---

2 Parliamentary Joint Committee on Human Rights (PJCHR), *Tenth Report of 2013*, p 14.

3 PJCHR, *First Report of the 44<sup>th</sup> Parliament*, pp 165 – 167.