



## HOLDERS OF POLITICAL OFFICE

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This **ADVISORY NOTE** is produced by the Australian Sanctions Office (ASO) within the Department of Foreign Affairs and Trade (DFAT). It provides advice on sanctions risks associated with holders of political office in foreign countries. This document should only be used as a guide and should not be used as a substitute for legal advice. Readers are responsible for ensuring compliance with sanctions laws, including those not discussed in this advisory note.

### What are Targeted Financial Sanctions?

Targeted financial sanctions prohibit:

- directly or indirectly making an asset available to (or for the benefit of) a designated person or entity,
- an asset-holder using or dealing with an asset that is owned or controlled by a designated person or entity. As these assets cannot be used or dealt with, they are required to be 'frozen' by the asset holder and reported to the Australian Federal Police.

Unlike trade restrictions which usually apply to specific goods and services, targeted financial sanctions prohibit the supply of any asset to designated persons or entities. An 'asset' includes an asset or property of any kind, whether tangible or intangible, movable or immovable. The persons and entities on which targeted financial sanctions have been imposed are identified on the [Consolidated List](#).

Targeted financial sanctions have been implemented by the United Nations Security Council (UNSC) and / or the Australian Government against holders of political office including current and former ministers from a range of countries.

A holder of political office who is designated remains subject to targeted financial sanctions until such time as they are delisted by the UNSC or the Minister for Foreign Affairs, as appropriate. Designated persons can remain listed after they cease to hold political office.

### Who is required to comply with Australian sanctions law?

Australian sanctions laws apply broadly, including to conduct that is undertaken by:

- Any Australian citizen or Australian corporation, regardless of their location in the world.
- Any person, if the conduct occurs wholly or partly in Australia or on an Australian ship or aircraft.

### Can I demonstrate support for a political party with one or more members that are designated by the Australian Government?

Providing public statements of support, or volunteering or campaigning for a political party in a manner that does not involve transferring assets to the political party or dealing in assets of the political party that are controlled by the designated person, is unlikely to contravene Australian sanctions law.

### **Can I donate money to a political party with one or more members that are designated by the Australian Government?**

Providing monetary or non-monetary contributions or donations, or paying membership fees, would likely contravene Australian sanctions law because it is likely that (at a minimum) it is indirectly making an asset available for the benefit of the designated person(s).

### **Can I provide assets to a government department or ministry which is administered by a person designated by the Australian Government?**

The answer to this question depends on the exact circumstances. It may be permissible to make assets available to or for the benefit of a government department or ministry administered by a designated person if it is in relation to affairs of state that:

- would exist regardless of who holds political office, and
- which do not result in a personal benefit flowing to the holder of political office.

Examples of transactions meeting the above criteria include paying application fees for a passport to be issued or paying land taxes.

However, it depends on the specific sanctions framework that applies as there may be other restrictions on making such payments. You should seek legal advice if you are in doubt whether the assets you intend to supply to a government department or ministry would be permissible.

### **Can an exception be made in my circumstances?**

The Minister for Foreign Affairs or the Minister's delegate may be able to grant a sanctions permit authorising an activity that would otherwise contravene Australian sanctions laws. You can apply for a sanctions permit by registering as a user of [Pax](#). You will need to supply information indicating why the proposed activity would contravene sanctions law, and why you are seeking an authorisation to do that activity. Further information about sanctions permits is available on the ASO website.

### **What are the consequences for breaching sanctions laws?**

Contravening Australian sanctions laws is a criminal offence. Individuals who commit sanctions offences can receive up to ten years' imprisonment and a fine of \$825,000 or three times the value of the relevant transaction. Bodies corporate that commit a sanctions offence can receive a fine of \$3.3 million or three times the value of the transaction. Additionally, bodies corporate are strictly liable for sanctions offences, although it is a defence if the body corporate can prove it took reasonable precautions and exercised due diligence to avoid a contravention.