



TOURING COMPANIES, MUSICIANS AND SPORTS PROFESSIONALS

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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 a summary of a potential risk identified by the ASO but does not cover all possible sanctions risks. Users should consider all applicable sanctions measures and seek independent legal advice. This document should not be used as a substitute for legal advice. Users are responsible for ensuring compliance with sanctions laws.

SANCTIONS RISKS

Under Australia's autonomous sanctions laws, it is prohibited to directly or indirectly make an asset available to, or for the benefit of, a designated entity, unless authorised by a permit issued by the Minister for Foreign Affairs. The prohibition applies to an asset of any kind, or property of any kind, whether tangible or intangible, moveable or immovable, and includes legal documents or instruments evincing title to, or interests in, such assets or property. The ASO considers intangible property such as contractual rights to constitute an 'asset' for the purposes of the *Autonomous Sanctions Regulations 2011* and *Charter of the United Nations Act 1945*.

Australian touring companies and sports professionals are subject to increased risk of sanctions contravention generally when participating in activities in countries subject to Australian sanctions. It is essential for these entities and individuals to be fully aware of their sanctions obligations when organising or engaging in activities in jurisdictions where such sanctions exist. You should be aware that it may also be possible to breach sanctions law prior to, or without visiting the jurisdiction (for example making arrangements for a foreign performance while located in Australia). The ASO's view is that the most prominent sanctions risk faced by Australian touring companies, musicians and sports professionals is entering into contracts (being an asset) to perform in sanctioned jurisdictions, such as Russia.

High risk jurisdictions include Russia, Myanmar and Iran. These countries present unique sanctions risks associated with making assets available to designated persons or entities, including because:

- Certain financial institutions within these countries are designated for the purposes of Australia's autonomous sanctions. Australians and Australian entities may contravene sanctions laws if they engage with or push payments through sanctioned financial institutions.
- In some jurisdictions, such as Russia, particular infrastructure and utility companies have been sanctioned, including the Russian railways. Australians may contravene sanctions laws by engaging with these companies, such as paying for transport services from a sanctioned rail operator.

Ultimately, it is the responsibility of the Australian community to be aware of, and understand, obligations relating to Australian sanctions laws. The ASO recommends that Australians or entities operating in Australia seek independent legal advice prior to engaging in activities that may contravene Australian sanctions laws.

Contravening an Australian sanctions law is a serious criminal offence, punishable for individuals by up to 10 years' imprisonment and/or a fine the greater of \$825,000 or three times the value of the contravening transaction. The penalty for bodies corporate is a fine the greater of \$3.30 million or three times the value of the contravening transaction. For bodies corporate, this is a strict liability offence.

RED FLAGS

Certain 'red flags' may be noted that could indicate sanctions risk, an attempt to circumvent sanctions, or obfuscate sanctions risks:

- If the major sponsor of a tournament is a designated entity, it may indicate that organising entities may be owned or controlled by that designated entity.
- A foreign counterparty may suggest that Australians contract with an agent in a third country where sanctions do not apply (for example, Serbia), or receive payments through third countries.
- Complicated payment structures or pathways may be an indication the payments were initiated or received by a sanctioned financial institution.

FURTHER INFORMATION AND RESOURCES

While this advisory note provides a framework for understanding key sanctions risks and compliance requirements, it is essential to remember that it does not cover every possible scenario. Sanctions compliance is an ongoing obligation rather than a one-time assessment. Sanctions measures and associated risks are constantly evolving, requiring regulated entities to continuously monitor and reassess their compliance strategies. Australian regulated entities are encouraged to seek independent legal advice tailored to their specific situations and ensure thorough due diligence in all activities.

We recommend users also refer to the following resources to assist in their evaluation of sanctions risks:

- [Sanctions Compliance Toolkit | Australian Government Department of Foreign Affairs and Trade](#)
- [Sanctions Risk Assessment Tool | Australian Government Department of Foreign Affairs and Trade](#)

Further information is available on the Department's website at <https://www.dfat.gov.au/international-relations/security/sanctions>, or by making an enquiry to sanctions@dfat.gov.au.