Australian Government
Department of Foreign Affairs and Trade

GUIDE TO THE AUSTRALIAN SANCTIONS LEGISLATION AMENDMENT REFORMS

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GLOSSARY

Abbreviation	Definition
Amendment Regulations	Sanctions Amendment Regulations
AS Act	*Autonomous Sanctions Act 2011*
AS Bill	Autonomous Sanctions Bill 2026
AS Rules	Autonomous Sanctions Rules
ASLA reforms	Australian Sanctions Legislation Amendment reforms Collectively refers to the whole reform package
C&T Bill	Autonomous Sanctions (Consequential and Transitional Provisions) Bill 2026
COTUNA	*Charter of the United Nations Act 1945*
Customs Act	*Customs Act 1901*
the department	Department of Foreign Affairs and Trade
new AS Act/new framework	Refers to the new Autonomous Sanctions Act, as proposed by the Autonomous Sanctions Bill 2026
Other Legislation Bill	Sanctions and Other Legislation Amendment Bill 2026
Sanctions measures	Collectively refers to all types of sanctions that can be imposed: the four trade and economic measures, targeted financial sanctions, travel bans and vessels sanctions
Targets	Collectively refers to those in relation to which sanctions may be imposed: persons, entities, countries, vessels, and foreign government entities
the ASLA Bills	Collectively refers to the AS Bill, the C&T Bill, and the Other Legislation Bill
the Minister	The Minister for Foreign Affairs
Trade and economic measures	Collectively refers to sanctioned export, sanctioned import, sanctioned economic etc. activity, and sanctioned service
the Secretary	Secretary of the Department of Foreign Affairs and Trade
UN	United Nations
UNSC	United Nations Security Council

INTRODUCTION

1. The Australian Government manages sanctions through two legislative frameworks: the *Autonomous Sanctions Act 2011* (AS Act), and the *Charter of the United Nations Act 1945* (COTUNA). The AS Act allows Australia to implement its own sanctions as a tool of foreign policy, while the COTUNA implements sanctions set by the United Nations Security Council (UNSC).
2. In 2024, the Department of Foreign Affairs and Trade (the department) completed a review of Australia's sanctions laws, including seeking feedback from the public on an Issues Paper. This was the first major review of Australia's sanctions legislation since the AS Act commenced in 2011. The review's outcomes have informed key elements of the Australian Sanctions Legislation Amendment reforms (ASLA reforms).
3. The ASLA reforms aim to streamline and modernise Australia's sanctions laws. They seek to create fit-for-purpose and consistent legislation that makes it easier for Australians to understand what they need to do to comply. The reforms also aim to ensure the Government can take swift and targeted action in an uncertain and rapidly changing geostrategic environment.

STRUCTURE OF THE REFORMS

4. The ASLA reforms comprise three Bills and two pieces of subordinate legislation:
   - Autonomous Sanctions Bill 2026 (AS Bill)
   - Sanctions and Other Legislation Amendment Bill 2026 (Other Legislation Bill)
   - Autonomous Sanctions (Consequential and Transitional Provisions) Bill 2026 (C&T Bill)
   - Autonomous Sanctions Rules (AS Rules), and
   - Sanctions Amendment Regulations (Amendment Regulations).
5. Subject to further Government and parliamentary consideration, the new framework is expected to commence by 1 October 2027, before the existing Autonomous Sanctions Regulations 2011 (AS Regulations) expire.

CONSULTATION ON EXPOSURE DRAFT LEGISLATION

6. This Guide is a departmental product outlining key elements of the proposed reforms. It should be read alongside the point-in-time exposure draft of the AS Bill that Government has released for public consultation.
7. Not all parts of the proposed new laws have been shared for consultation, as legislative drafting is continuing in parallel. As the cornerstone of the ASLA reforms, the AS Bill contains the amendments that the department expects to be of greatest interest to the public. This Guide supplements the exposure draft legislation by providing further information on elements of the package that have not been exposed. All elements of the reforms remain subject to further Government consideration and approval, including in light of these consultations. The legislative reforms are expected to evolve further before introduction to Parliament.
8. The department has taken note of recommendations made by the Senate Foreign Affairs, Defence and Trade References Committee and the Joint Standing Committee on Foreign Affairs, Defence and Trade in their reports following successive parliamentary inquiries on sanctions issues. The department has also taken note of suggestions raised by stakeholders in submissions to these inquiries, in response to the department's Issues Paper, or raised separately, as well as the practice and experience of foreign partners. The exposure draft AS Bill addresses many of these recommendations and suggestions. However, consideration of some elements and their possible implementation requires further work. Accordingly, some elements, suggestions and practices may not be included in the released Bill.
9. The department welcomes submissions from the public and encourages attendance at one of two town halls on the ASLA reforms. Please send submissions and questions to sanctionsconsultation@dfat.gov.au.

KEY AMENDMENTS

10. Many of the ASLA reforms' proposed amendments are structural in nature, reflecting current best practice legislative drafting and aimed at improving public useability, while ensuring that current sanctions can continue to operate. Others reflect additional matters canvassed in the Issues Paper and earlier feedback, including clarifying key terms, amending permit powers, and creating certain standing exemptions.
11. The AS Bill proposes:
    - repealing and replacing the AS Act with a new Autonomous Sanctions Act
    - lifting all offence provisions, Ministerial powers, and delegated instrument making powers from the AS Regulations into the primary Act
    - introducing several standing exemptions, including for humanitarian assistance and legal services
    - aligning key elements, such as information sharing powers, with the common approach used across the Australian Government, and
    - clarifying and streamlining the purposes of key sanctions measures and how they interact.
12. The Other Legislation Bill proposes:
    - introducing two new offences into the *Customs Act 1901* (Customs Act) dealing with the import and export of autonomous sanctioned goods
    - ensuring sanctions interpretation, implementation and enforcement is consistent between the COTUNA and the proposed AS Bill, where possible, and
    - inserting a standing humanitarian exemption into the COTUNA to align with the exemption in UNSC Resolution 2664 (2022).
13. The C&T Bill proposes:
    - making transitional arrangements to ensure decisions made under the AS Act can continue, and
    - updating references to the AS Act in other pieces of legislation.
14. This Guide refers throughout to key amendments in the AS Bill. Attachment A gives a full list of these and their cross-references to current legislation.

AUTONOMOUS SANCTIONS BILL 2026

OVERVIEW

15. The AS Bill is the centrepiece of the ASLA reforms. It proposes repealing and replacing the AS Act with a new Act. Doing so facilitates a clear and streamlined framework that reflects modern drafting practices and public and parliamentary expectations. It provides a clean baseline for autonomous sanctions legislation, replacing the current complex patchwork. It avoids the even greater patchwork of complex amendments that would otherwise be required to implement the desired reforms in a more piece-by-piece way.

16. While the AS Bill proposes creating a new Act, most of the amendments are structural rather than representing major changes to the policy intent underpinning existing laws. The AS Bill replicates many aspects of the current autonomous sanctions framework but makes them clearer and easier to understand and comply with.

AUSTRALIA'S AUTONOMOUS SANCTIONS

Two pillars and five targets

17. The AS Bill structures sanctions under two *pillars*:

- **Geographically-specific:** frameworks that relate to a situation contrary to Australia's foreign policy interests in relation to actions: 1) within the geographical boundaries of a specific country, or part of a country; 2) by that country; or 3) that have been taken against that country.
- **Thematic:** frameworks that focus on types of conduct contrary to Australia's foreign policy interests. The conduct need not have a geographic nexus to any particular location.

18. The AS Act contains 10 geographically-specific frameworks[1] and six thematic frameworks.[2] The new autonomous sanctions framework would replicate these. The AS Bill would ensure the Minister could continue to create new geographically-specific and thematic frameworks as long as doing so met the requirements proposed in the AS Bill.

19. Sanctions can apply to five *targets*: persons; entities; countries (whole or part); governments; and vessels. Not all sanctions measures can be imposed on all targets, reflecting the different roles the various measures play. The AS Bill preserves this.

Seven measures

Targeted financial sanctions

20. Targeted financial sanctions are intended to constrain a sanctioned person or entity's economic activity and influence by restricting their ability to access physical and financial assets. They can be imposed against a person or entity under both geographic and thematic sanctions pillars.

21. Generally, targeted financial sanctions would operate under the new AS Act in the same way as under the current framework (though see further below, Enforcement and implementation—Prohibitions). Section 28 of the AS Bill would empower the Minister to declare a person or entity as a ***financially sanctioned person or entity***. The same provision would also empower the Minister to identify criteria, usually conduct- or role-based, that a person or entity must meet before they can be subject to targeted financial sanctions.[3]

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[1] Afghanistan, Democratic People's Republic of Korea, Former Federal Republic of Yugoslavia, Iran, Libya, Myanmar, Russia, Specified Ukraine Regions, Syria, and Zimbabwe.

[2] Proliferation of weapons of mass destruction; Significant cyber incidents; Serious violations or serious abuses of human rights; Activities undermining good governance or the rule of law, including serious corruption; Threats to international peace and security; and Serious violations of international humanitarian law.

[3] The current criteria related to targeted financial sanctions are in regulations 6 and 6A of the AS Regulations.

22. The AS Bill would also clarify that targeted financial sanctions cannot be imposed on Australian citizens and permanent residents.

Travel bans

23. Travel bans are intended to prevent a sanctioned person from travelling to or through, or staying in, Australia. Travel bans apply to persons under either pillar (not to entities, governments, counties, or vessels).

24. The AS Bill does not propose significant changes to how existing travel ban provisions work. Under section 32, the Minister would have the power to impose a travel ban on a person by declaring them a ***prohibited traveller*** and to list criteria, often conduct- or role- based, that a person must meet before being listed as a ***prohibited traveller***. The criteria can be the same, or different, from those that apply to declaring someone as a ***financially sanctioned person***.[4]

25. As with targeted financial sanctions, under the AS Bill, travel bans cannot be imposed on Australian citizens and permanent residents.

Sanctioned export

26. Sanctioning exports to the whole, or part of, a country aims to limit the ability of the country's government, or other actors within the country, to source specified resources that are of economic or strategic significance. Sanctioned export restrictions can only be imposed against the whole or part of a country under the corresponding geographic framework. Section 16 allows the Minister to list, or exclude, goods as ***export sanctioned goods*** for a particular country, or part of a country. Sanctioned export is called 'sanctioned supply' under the existing autonomous sanctions framework.

Sanctioned import

27. Sanctioning imports from the whole, or part of, a country aims to limit the ability of the country's government, or other actors, to raise revenue by preventing Australians from buying products that are of economic or strategic significance to the source. Sanctioned import restrictions can only be imposed against the whole, or part of, a country under the corresponding geographic framework. Section 17 allows the Minister to list, or exclude, goods as ***import sanctioned goods*** for a particular country, or part of a country.

Sanctioned economic etc. activity

28. Sanctioned economic etc. activity is a new term proposed in the AS Bill, but it is not a new sanctions measure. Instead, it is a redesign of existing sanctioned commercial activity prohibitions[5] and some existing sanctioned service prohibitions where these overlap. This redesign aims to clarify and differentiate these respective measures where previously there was some crossover.

29. The new sanctioned economic etc. activity measure would allow the Minister to implement targeted sanctions against specified economic, military, and defence-related activities not covered by other sanctions measures in the framework. While broad, this power ensures the Minister can impose highly targeted sanctions related to a country and minimise unintended impacts. An example of a relevant activity is granting a financial loan or entering a joint venture to exploit oil or gas resources from the Donetsk region of Ukraine. Under section 18, the Minister would be able to list a particular activity in relation to a particular sector, industry, person or entity, for a specified country, as a **sanctioned economic etc. activity**. This measure can only apply to whole or part of a country, a person, or an entity, under the relevant geographically-specific framework.

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[4] The current criteria related to travel bans are in regulations 6 and 6A of the AS Regulations.

[5] AS Regulations, regulations 5A-5CA.

Sanctioned service

30. Sanctioning services aims to limit assistance and support to a sanctioned person or entity, further constraining their ability to undertake undesirable activities. Examples include banning the provision of financial services that support the import of sanctioned goods; or the provision of technical assistance, advice and training on how to use banned goods. Sanctioned service restrictions can only be imposed against the whole or part of a country under the corresponding geographically-specific framework.
31. Section 19 identifies the provision of financial assistance; a financial service; or technical assistance, advice and training to an export or import sanctioned good, or a sanctioned economic etc. activity, as a sanctioned service. Development of a discretionary component to allow the Minister to identify other services as sanctioned services in particular circumstances, similar to the prescription of 'another service' in the current framework,[6] is ongoing.
32. Sanctioned import, export, service, and economic etc. activity together are 'trade and economic measures'. The AS Bill's proposed amendments would ensure that overlap between these four measures is minimal, and that the Minister has a comprehensive suite of tools to impose costs on targets. The amendments will also equip the Minister to take sanctions actions that more closely match some of those taken by Australia's international partners.

Sanctioning vessels

33. The new AS Bill proposes to retain vessel sanctions. As drafting of these provisions is still underway, they have not been included in the exposure draft legislation. The department proposes replicating the intent of the Minister's existing powers in relation to vessels.[7] Proposed amendments would improve useability and streamline how provisions operate and interact, including with other legislation on maritime issues.
34. As in the current framework, the Minister would have the ability to declare a vessel as sanctioned and provide directions to a sanctioned vessel preventing it from staying in, or entering, Australian waters or ports. The AS Bill would also clarify that failing to comply with a direction could result in forfeiture of the vessel on the order of a court.

Two-tier framework

35. The ASLA reforms redesign the autonomous sanctions framework from a three-tier structure (the AS Act, AS Regulations, and supporting legislative instruments) to a two-tier structure (the new AS Act supported by a single legislative instrument, the AS Rules). This new structure would significantly streamline and improve useability of the framework by locating all sanctions listings, and geographically-specific and thematic frameworks, in one place.
36. Under this structure, overarching Ministerial powers, offence provisions and other supporting provisions would be located in the new AS Act. However, to ensure the Minister could quickly respond to international events, the AS Bill proposes that the AS Rules include the Minister's power to:
    - impose trade and economic measures
    - impose targeted financial sanctions and travel bans, and
    - list other criteria of which the Minister must be satisfied when imposing a sanction.
37. The Minister will also, in select instances, be able to insert additional detail into the AS Rules where this is necessary to operationalise the framework—for example, on the scope of the proposed humanitarian exemption or to support the Minister's consideration of an application to revoke sanctions.

[6] For example, regulation 5(1)(d) of the AS Regulations.
[7] AS Regulations, regulation 8.

Parameters for the Minister's power to impose sanctions

38. To ensure the Minister's powers are not overly broad and Parliament can set parameters for the proper use of sanctions, section 13 of the AS Bill proposes inserting criteria of which the Minister must be satisfied before imposing a sanction.

39. Before imposing a sanction, the Minister must be satisfied that the proposed sanctions action:
    - relates to Australia's relations with foreign countries or matters outside of Australia (section 13(1)(a)), and
    - will achieve one, or more, of the identified policy objectives of Australian sanctions (section 13(1)(b)).

40. Being satisfied of the 'general sanctions criteria' would be a requirement for the following Ministerial decisions:
    - creating a new thematic sanctions framework (section 14)
    - creating a new geographically-specific sanctions framework (section 15)
    - listing an ***export sanctioned good*** (section 16)
    - listing an ***import sanctioned good*** (section 17)
    - listing a ***sanctioned economic etc. activity*** (section 18)
    - listing a ***sanctioned service*** (section 19)
    - listing a vessel as a sanctioned vessel (Part 2, Division 4)
    - imposing a targeted financial sanction on a person or entity (section 28), and
    - imposing a travel ban on a person (section 32).

ENFORCEMENT AND IMPLEMENTATION

Prohibitions

41. The AS Bill appears to propose a larger range of prohibitions and offences than those that apply under the current AS Act. Rather than expanding the scope of conduct to which offences apply, the increased number of prohibitions and offences reflects the redesigned framework's goals of clarifying obligations. This will help ensure obligations are easier to find, understand and to comply with; breaches are easier to prosecute; and drafting aligns with contemporary best practice. The same conduct is still prohibited, but it is broken down into more specific elements.[8]

42. For sanctioned economic etc. activity (section 26) and sanctioned service (section 27), the prohibitions mirror the current prohibitions.[9] The AS Bill proposes amendments to other prohibitions and offences to clarify what conduct is impermissible.

Financially sanctioned persons or entities

43. Current prohibitions relating to targeted financial sanctions[10] leave several key concepts undefined. The new offence provisions for targeted financial sanctions are in sections 30 and 31 of the AS Bill. The definition of ***financially restricted asset*** (section 29) has been amended to make it clearer when it is an offence to deal with, or provide an asset to, a ***financially sanctioned person or entity****.* This amendment would bring Australia's sanctions laws into alignment with those of other similar jurisdictions and complement requirements within other Australian legislative frameworks. They are intended to simplify compliance for the regulated community, especially those operating across multiple jurisdictions that impose autonomous sanctions.

[8] Contained in s16 of the AS Act and Part 3 of the AS Regulations.
[9] AS Regulations, regulations 13 and 13A respectively.
[10] AS Regulations, regulations 14 and 15.

Indirectness

44. The AS Bill would clarify that indirectness is determined through a causal test focused on the conduct of the asset holder, rather than solely on downstream outcomes. If an Australian person or body corporate influenced the end destination of an asset and the asset was given to a financially sanctioned party, then the Australian person or body corporate would have committed an offence. If, however, the actions of intermediaries occurred independently of the Australian person or body corporate (for example, where an asset is on-sold on the open market), then the chain of causation would be broken, and the Australian person or entity would not have committed an offence. This recognises that some conduct should be considered too remote when assessing whether an asset has been made available to a financially sanctioned person or entity.

Effective control threshold

45. The current AS Act does not have a threshold for when a financially sanctioned party is considered to have sufficient control over a company, such that they benefit from an asset being provided to that company. Section 10 of the AS Bill proposes a definition of ***effective control***, making it clear that if a financially sanctioned person or entity, by themselves or in aggregate with other financially sanctioned persons or entities:

    - owns 50 per cent or more of a company, or
    - holds a majority of voting rights, or
    - can appoint or remove a majority of the governing board, or
    - can make, or influence the creation of, financial or operating policies,

    then the company is effectively controlled by a sanctioned person or entity. This means that the provision of an asset to such a company would be an offence (section 30).

46. This definition of ***effective control*** closely aligns with the *Corporations Act 2001* (section 910B) and the approach taken in other countries that impose autonomous sanctions. The *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (section 5) has a lower threshold of 25 per cent for ‘beneficial ownership’. This reflects the different but complementary regulatory purposes the two frameworks serve. The Anti-Money Laundering and Counter-Terrorism threshold is used to determine when further due diligence needs to be done on individuals who own or control legal structures, to appropriately manage and mitigate money laundering and terrorism financing risks. The proposed new ***effective control*** threshold for targeted financial sanctions determines when legal prohibitions apply under this framework.

47. An asset owned or controlled by a sanctioned person or entity, including where that person or entity exercises effective control over another company, is a ***financially restricted asset***. Under section 31, it would be an offence to do anything other than freeze the asset.

Triviality

48. While the relevant provision remains under development, the AS Bill would also propose clarifying when an asset’s value or benefit to the ***financially sanctioned person or entity*** is so trivial that its provision is not an offence. For example, it would be unreasonable to prohibit the provision of something as minor as a cup of coffee, or a pen, to a financially sanctioned person or entity as they do not financially benefit from such trivial assets.

49. The proposed triviality concept would not extend to monetary assets. The AS Bill would likely maintain the ban on the provision of any such monetary assets to a financially sanctioned person or entity regardless of the value.

Supply side prohibitions

50. The AS Bill would still make it an offence to export, sell, supply or transfer an ***export sanctioned good***. However, the existing offences have been split into two separate prohibitions:
    - exporting (section 21): deals with the movement of goods from Australia
    - selling, supplying, transferring (section 22): deals with the actions of Australians, regardless of where those actions occur.

Demand side prohibitions

51. The AS Bill proposes to take a similar approach for ***import sanctioned goods***. It would still be an offence to import, obtain or purchase an ***import sanctioned good***, but these types of conduct have been split into distinct provisions:
    - importing (section 23): deals with the movement of goods into Australia
    - obtaining or purchasing (section 24): deals with the actions of Australians regardless of where that action occurs.

Transport of sanctioned goods

52. The AS Bill also proposes clarifying that transporting a sanctioned good is an offence, as this conduct can still provide economic support to the sanctioned target. However, the AS Bill clarifies what this means by:
    - making it a dedicated prohibition (section 25), and
    - focusing only on transport where a sanctioned good is moved within, or across the borders of, the relevant sanctioned country.
53. Together the transport, demand side, and supply side prohibitions make it clear that Australians should not be involved with the movement of, or transactions related to, a sanctioned good, even if the conduct is occurring overseas.

Penalties

54. Penalties for sanctions offences remain the same as under existing laws and are, for the most part, consistent for all prohibitions. Penalties are:
    - for individuals (section 43): a fine of three times the value of the transaction or 2,500 penalty units[11] whichever is greater; or imprisonment of no more than 10 years
    - for bodies corporate (section 44): a fine of three times the value of the transaction or 10,000 penalty units, whichever is greater.
55. For bodies corporate, the offences remain ones of strict liability. Bodies corporate remain responsible for the actions of those subsidiaries over which they have ***effective control***. This prevents attempts at sanctions circumvention through the establishment of offshore subsidiaries.
56. There are some exceptions to this consistency:
    - The prohibition related to the transport of sanctioned goods does not attract strict liability for bodies corporate. This reflects the unreasonable burden such a requirement would impose on a body corporate.
    - The AS Bill proposes inserting a new offence of contravening a permit condition (section 55). This contains a penalty of 12 months imprisonment, or 60 penalty units, or both.

[11] From 1 July 2026, one Australian Commonwealth penalty unit is $364.

Permits

57. Permits temporarily authorise conduct that would normally be a sanctions offence. The AS Bill proposes to replicate key elements of the existing permit framework, with some clarifications:

- The Minister would still be able to issue a permit if they were satisfied it was in the 'national interest' to do so.
    - The Minister would be able to delegate the permit decision power to Senior Executive Service officers within the department.
- The Minister would still be able to impose conditions and specify the limits of the permit (including one use, multiple use, and/or within a specific period).
- The Minister could implement specific exemptions that function like permits to the public at large or a subset, through the proposed rule-making powers.
- The Minister could issue exemptions similar to a class-based permit through the exemption power in section 38.

58. With permits being granted based on the 'national interest'—an assessment of which is appropriately a matter for the Minister—the AS Bill does not allow for merits review. This aligns with the current framework.

Revocations

59. The current framework allows the Minister to revoke a targeted financial sanction or a travel ban either on their own initiative or on application by a ***financially sanctioned person or entity***. The AS Bill clarifies the requirements and revocations process (section 35) by:

- requiring the Minister to revoke a sanction if the reasons for the sanction being imposed are no longer met
- allowing the Minister to list other reasons for which a sanction may be revoked in the AS Rules
- allowing for the Secretary of the department to approve the requirements and form of a revocation application, which will make the revocation process easier to understand and engage with for both applicants and those administering applications, and
- clarifying that while the Minister must consider an initial application, the Minister can choose whether to consider any subsequent applications made within 12 months of the initial application.

Information management

60. The AS Bill proposes a clearer and more comprehensive set of information management provisions that aligns with the common approach used across the Australian Government. The AS Bill would allow for:

- the Secretary (or their delegate) to request information from another party that is necessary to support the administration of the Act (section 59)
- the Secretary (or their delegate) to compulsorily acquire information that is necessary to support the administration of the Act (section 60),[12] and
- information to be shared with a range of stakeholders including other Australian Government, and State and Territory Government, agencies; Australian courts and tribunals; Australian law enforcement agencies; and foreign government entities and international organisations (sections 64-75).

61. The AS Bill would also clarify what types of information can be shared under the new framework (relevant information, section 9), and who is able to use and disclose information gathered under the new framework (entrusted person, section 9).

[12] This is a replication of s19 of the AS Act.

62. The AS Bill no longer relies on the concept of Designated Commonwealth Entity, which identified other Australian Government agencies[13] that could rely on the information management powers within the AS Act. This reflects that administration of the framework sits with the Minister and the department and is balanced by the inclusion of standard information management provisions.

EXEMPTIONS AND DEFENCES

Legal services exemption

63. The AS Bill proposes enshrining an exemption from sanctions prohibitions for conduct related to the provision of legal services (section 39).

64. This means that if a sanctioned person is seeking certain legal services, or an Australian person or entity is providing these to a sanctioned party, the prohibitions do not apply. The legal services exemption would cover the following activities:

   - actions by legal services providers and their employees when providing legal advice or representation on matters of Australian law to a sanctioned party
   - actions by a sanctioned party, or their representatives, necessary to obtain legal advice or representation on matters of Australian law
   - actions necessary to pay settlements and carry out orders or decisions made by an Australian court of tribunal, and
   - actions by persons who provide a range of support services required to facilitate the above (such as transportation, postal, or financial management services).

65. This exemption is broader than the current legal services permit[14] and would apply to all prohibitions under the AS Bill.

Humanitarian exemption

66. To support the provision of legitimate humanitarian assistance, the AS Bill would enshrine a humanitarian exemption for all sanctions measures (section 40). To ensure the exemption is responsive and easy to adjust as circumstances change, the AS Bill proposes allowing the Minister to set the detailed scope and criteria for the humanitarian exemption in the AS Rules.

67. The exemption's proposed scope and operation remain under development. It is proposed to cover at least those persons and organisations referred to in UNSC Resolution 2664 (2022)[15] and Commonwealth, State and Territory officials. The department is considering structuring the exemption around criteria identifying types of actors and activities. The creation of this exemption would mean permits would not be required for humanitarian activities in many circumstances.

Personal, domestic and non-commercial use exception

68. While a key goal of Australia's autonomous sanctions framework is to limit support to, and economic engagement with, sanctioned countries, this needs to be balanced against ensuring that people can continue their daily lives. To strike this balance, the AS Bill would insert a new exception into the sanctioned export and import related prohibitions[16] allowing for the export, import, sale, supply, transfer, obtaining, purchase, or transport of a sanctioned good if this were for personal, domestic, and non-commercial use by the individual or an ***immediate family member*** (which is defined in section 9).

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[13] The current list of ***Designated Commonwealth Entities*** can be found in the Charter of the United Nations (Designated Commonwealth Entities) Declaration 2008 which is recognised by s4 of the AS Act.

[14] SAN-2024-00138- Legal services permit | Australian Government Department of Foreign Affairs and Trade.

[15] UNSC Resolution 2664 (2022), page 2, paragraph 1.

[16] AS Bill, sections 21(4), 22(4), 23(4), 24(4), 25(4).

SANCTIONS AND OTHER LEGISLATION AMENDMENT BILL 2026

CUSTOMS ACT AMENDMENTS

69. To accurately implement the amendments to the AS Act and ensure consistency within the Customs Act on how sanctions are enforced, the Other Legislation Bill would insert two new offences into the Customs Act. The new offences would relate to the import and export of autonomous-sanctioned goods. It is likely these would replicate the existing offences for the import and export of UN-sanctioned goods.[17]

70. The offences for these new prohibitions would align with the existing UN-sanctioned good-specific offences and those proposed in the AS Bill, ensuring consistency.

COTUNA AMENDMENTS

71. To ensure as much consistency as possible between how the AS Act and the COTUNA operate and are administered, some amendments will be made to the COTUNA. Details of these amendments are still being settled. Examples of draft provisions within the AS Bill that could be replicated into the COTUNA are those related to permits and information management.

72. Because the COTUNA implements sanctions set by the UNSC, the Australian Government has less flexibility in how they are implemented. This means aspects of the two frameworks may ultimately operate differently.

73. The Other Legislation Bill also proposes inserting a humanitarian exemption into the COTUNA, replicating the UNSC humanitarian exemption in UNSC Resolution 2664 (2022).

[17] Customs Act, s233BABAB and s233BABAC respectively.

AUTONOMOUS SANCTIONS (CONSEQUENTIAL AND TRANSITIONAL PROVISIONS) BILL 2026

CONSEQUENTIAL AMENDMENTS

74. The C&T Bill will make minor amendments to other legislation to replace references to the AS Act with the corresponding references in the new AS Act, ensuring that other legislation can continue to engage with Australia's autonomous sanctions. These minor, technical amendments, will need to be made to legislation including:

- *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (sections 5, 64, and 66)
- *Australian Research Council Act 2001* (section 55(1)(e))
- *Corporations Act 2001* (sections 843E and 849BD)
- *Criminal Code Act 1995* (section 112.7(5)), and
- *Home Affairs Act 2023* (section 7).

TRANSITIONAL ARRANGEMENTS

75. These would aim to support a smooth transition from the current framework to the new one by doing the following:

- sanctions imposed under the AS Act would continue uninterrupted. For example, a sanction imposed before the commencement of the proposed framework would continue to be considered in effect
- minimising the need for permit holders to reapply for a permit that was been granted under the current framework
- minimising the need to resubmit an application that is under consideration by the Minister
- revocation applications made under the AS Act (but not yet granted or refused) would still need to be considered by the Minister
- information sharing requests made under the AS Act would remain, along with obligations to fulfil them, and
- compliance matters commenced under the AS Act, or investigations of conduct under the AS Act, would continue.

AUTONOMOUS SANCTIONS RULES

OVERVIEW

76. A significant barrier to the useability and clarity of current autonomous sanctions laws arises from the complex network of instruments involved. This includes the spread of lists of sanctioned goods, persons, vessels and entities across around 20 legislative instruments. The AS Rules propose to address this by consolidating this information in one location as a single source of truth on who and what is sanctioned. Each geographically-specific or thematic sanctions framework would have a dedicated schedule listing that framework's sanctions measures.

77. The AS Rules remain subject to further development and consideration by Government. Most of the detail to be included in the AS Rules will be lifted from the current AS Regulations and supporting legislative instruments, which are publicly available on the Federal Register of Legislation.

BODY

78. The Body of the AS Rules would contain additional provisions and detail necessary to operationalise the new AS Act. It is currently envisaged that provisions to operationalise the new AS Act, such as the humanitarian exemption, revocations and permit powers, would be included here.

79. The Body would also include all the country-specific requirements and criteria, grouped by sanctions measure. It would be structured in a similar way to the primary legislation, creating a clear link and consistent numbering between the two for ease of understanding. Placing this detail in the Body would make it easy to find as it would be at the top of the document, rather than buried among the list of sanctioned goods, services, vessels, persons and entities.

SCHEDULES

80. It is anticipated that the AS Rules would contain 14 Schedules.[18] With the associated criteria contained in the Body, each Schedule would consolidate all sanctioned goods, services, vessels, persons, and entities for each framework in one place. Aligning the ordering of the sanctions measures and any exemptions would create a consistent format between each of the Schedules, improving their useability and readability.

[18] This is based on the number of frameworks currently in force (10 geographically-specific and four thematic). The final amount could change as a result of sanctions-related decisions by the Australian Government between now and the new framework commencing.

SANCTIONS AMENDMENT REGULATIONS

81. The Amendment Regulations propose minor consequential amendments to replace references to the current framework with corresponding references to the new. Consequential amendments that are required include to the:
    - Anti-Money Laundering and Counter-Terrorism Financing (Proliferation Financing) Regulations 2026 (regulation 6)
    - Defence (Afghanistan Inquiry Compensation Scheme) Regulations 2024 (regulations 4 and 6)
    - Migration Regulations 1994 (regulation 2.43(aa), Public Interest Criteria 4003(c) of Schedule 4)
    - Proceeds of Crime Regulations 2019 (Item 1A of Schedule 4), and
    - Trade Marks Regulations 1995 (regulation 17A.28(2A)).
82. The Amendment Regulations also propose more substantial amendments to the Customs (Prohibited Exports) Regulations 1958 and the Customs (Prohibited Imports) Regulations 1956. These amendments are necessary to operationalise and support the new Customs Act offences proposed by the Other Legislation Bill.
83. Finally, the Amendment Regulations also propose some minor, technical amendments to regulations under the COTUNA:
    - Charter of the United Nations (Dealing with Assets) Regulations 2008: regulation 31(2) has an incorrect reference to regulation 31(2) instead of regulation 31(1), which would be fixed, and
    - any amendments to regulations needed to implement recent changes in UNSC sanctions would also be made.

ATTACHMENT A – REFERENCES IN THE CURRENT FRAMEWORK VS THE PROPOSED FRAMEWORK

AS ACT AND REGULATIONS

Concept/Issue	Current reference	AS Bill reference
Consolidated List	AS Regulations – Regulation 22	Still under development
Consultation requirements for thematic sanctions	AS Act – Section 10(4) and (5)	Sections 14(2) and 33
Controlled Assets	AS Regulations – Regulations 7, 21, 23-25	Still under development
Information gathering power	AS Act – Section 19	Section 60
Information management	AS Act – Sections 18-26	Part 5
Injunction powers	AS Act – Section 14	Yet to be drafted – Part 3, Division 3
Lists of sanctioned goods, persons, entities and vessels	Legislative instruments	Yet to be drafted – AS Rules
Offence – contravening a sanctions law	AS Act – Section 16	Part 2, Division 3, Subdivision B
Offence – provision of false or misleading information	AS Act – Section 17	N/A AS Bill relies on common powers in the *Criminal Code* (section 137.1)
Permits	AS Regulations – Regulations 18-20	Part 4
Regulation making power	AS Act – Sections 10, 28	Rule-making power (section 82)
Review of the Framework	AS Regulations – Regulation 25A	Section 81
Revocations	AS Regulations – Regulations 10, 11	Section 54
Sanction measures – Prohibitions	AS Regulations – Regulations 12-16	Part 2, Division 3, Subdivision B
Sanctioned Commercial Activity*[19]	AS Regulations – Regulations 5A-5D	Section 18[20]
Sanctioned Import*	AS Regulations – Regulation 4A	Section 17
Sanctioned Service*	AS Regulations – Regulation 5	Section 19
Sanctioned Supply*	AS Regulations – Regulation 4	Section 16[21]
Sanctioned Vessels	AS Regulations – Regulations 8, 17	Still under development – Part 2, Division 4
Satisfaction requirement	AS Act – Section 10(2)	Section 13
Targeted financial sanctions	AS Regulations – Regulations 6-6A	Section 28

[19] For these items marked with (*) country specific criteria within these sections will be placed in the Rules.
[20] Now known as Sanctioned economic etc. activity
[21] Now known as Sanctioned export.

Concept/Issue	Current reference	AS Bill reference
Travel bans	AS Regulations – Regulations 6 -6A	Section 32

CUSTOMS ACT 1901

Concept/Issue	Current reference	AS Bill reference
Offence – import/export of autonomous sanction goods	New	Still under development Proposed to be similar to sections 233BABAB and 233BABAC of the Customs Act

ATTACHMENT B – FREQUENTLY ASKED QUESTIONS

Why is the current autonomous sanctions framework being replaced?

Replacing the whole autonomous sanctions framework allows for the creation of a more cohesive and streamlined set of laws that is easier to understand and use. Amending the current framework would have required a large suite of piecemeal amendments that risked creating an even more complex structure than is currently the case. The core elements and intent of the current framework remain the same.

When will the new legislation commence?

This is subject to Government and parliamentary timeframes. However, if passed by Parliament, the new legislation and framework needs to commence on or before 1 October 2027, when the AS Regulations expire.

Why are there provisions missing from the exposure draft?

Repealing and replacing a whole framework, and updating multiple other pieces of legislation, is a complex legislative task. To ensure the public can contribute views on the new autonomous sanctions framework, drafts of the key provisions likely to be of most interest to the public have been released. This allows for further drafting to continue in parallel. Where a significant amendment is being proposed and has not been included, this Guide explains the department' s proposed policy intent. As the Guide also explains, some elements and suggestions still require further consideration.

Why are the draft AS Rules and the Amendment Regulations not being released? Will they be circulated for comment before being finalised?

The contents of the AS Rules and the Amendment Regulations will depend on the contents of the ASLA Bills and are not sufficiently developed at this stage.

Exposure drafts of the AS Rules and the Amendment Regulations will not be circulated for public comment. For the AS Rules, this is largely because the contents are either already in the public domain (for example the existing criteria and list of sanctioned goods, people, entities, and vessels) or because the Rules may include new sanctions listings yet to be determined by Government. For the Amendment Regulations, most amendments are technical updates to other legislation to reference the new framework, or the policy intent is explained in this Guide.

Will the reforms create new sanctions frameworks related to new countries or themes?

The primary goal of the ASLA reforms is to restructure, streamline, improve useability and modernise the current framework. The imposition of new sanctions and sanctions frameworks is a decision for the Government. The department does not speculate on future sanctions measures.

How does the move to the proposed new framework impact existing permits, sanctions and obligations?

The proposed C&T Bill would ensure existing sanctions, permits and compliance activities imposed, approved, or commenced under the current framework can transition to the new framework with minimal disruption and administrative burden.

If you have been granted a permit under the current framework and it remains valid, it would remain valid under the proposed new framework. If you have lodged a permit or revocation application under the current framework it would not need to be re-lodged.

How does the insertion of an 'effective control' threshold impact my current compliance obligations?

The insertion of a clear definition of effective control (section 10), which includes a 50 per cent or more ownership threshold, is only a proposal. These provisions could be amended further, are still subject to Government approval, and are yet to be considered by Parliament. As such, all Australians and Australian-registered bodies corporate need to continue complying with current laws.

Why will only some amendments been replicated into the COTUNA?

While the department wants to ensure the two sanctions frameworks are as consistent as possible, sanctions under the COTUNA are set by the UNSC and Australia has an obligation under international law to implement them faithfully.

While limited, the proposed amendments to the COTUNA would ensure that sanctions administration, enforcement and compliance, by and within Australia, remains consistent for all types of sanctions imposed under Australian law to the extent possible. If ultimately there are differences between the new AS Act and the COTUNA in how these measures apply, this would reflect differences necessary to support the implementation of UNSC sanctions.

Will the legislation introduced in Parliament differ from the exposure draft AS Bill?

Yes. The exposure draft AS Bill is a point-in-time version and does not yet include all measures, as drafting on this complex reform package is continuing in parallel. The department also expects to make further amendments in response to stakeholder views expressed during the consultation period. Finally, the ultimate package of reforms will be subject to further Government consultation and consideration before being presented to Parliament. As a result, it is likely that the final Bills will differ from the exposure draft on which the department is seeking views.