



Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021

No. 128, 2021

**An Act to amend the *Autonomous Sanctions Act
2011*, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation
(<https://www.legislation.gov.au/>)

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No. 128, 2021

An Act to amend the *Autonomous Sanctions Act 2011*, and for related purposes

[Assented to 7 December 2021]

The Parliament of Australia enacts:

1 Short title

This Act is the *Autonomous Sanctions Amendment (Magnitsky-style and Other Thematic Sanctions) Act 2021*.

No. 128, 2021

*Autonomous Sanctions Amendment (Magnitsky-style and Other
Thematic Sanctions) Act 2021*

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2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	8 December 2021

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

4 Review of operation of amendments

- (1) The Joint Standing Committee on Foreign Affairs, Defence and Trade must commence a review of the operation of the amendments made by this Act as soon as possible after the end of 3 years after this Act commences.
- (2) The Committee must prepare a written report of the review.
- (3) The Committee must table the report in each House of the Parliament.

Schedule 1—Amendments

Autonomous Sanctions Act 2011

1 Section 3 (heading)

Repeal the heading, substitute:

3 Objects of this Act

2 Section 3

Before “The”, insert “(1)”.

3 Section 3

Omit “purposes”, substitute “objects”.

4 At the end of section 3

Add:

Country-specific sanctions

- (2) Without limiting subsection (1), the autonomous sanctions may address matters that are of international concern in relation to one or more particular foreign countries.

Thematic sanctions

- (3) Without limiting subsection (1), the autonomous sanctions may address one or more of the following:
- (a) the proliferation of weapons of mass destruction;
 - (b) threats to international peace and security;
 - (c) malicious cyber activity;
 - (d) serious violations or serious abuses of human rights;
 - (e) activities undermining good governance or the rule of law, including serious corruption;
 - (f) serious violations of international humanitarian law.

5 Subsection 6(1)

Omit “For a purpose stated in section 3”, substitute “For the purpose of furthering the main objects of this Act”.

6 At the end of section 10

Add:

(4) If:

- (a) under a provision of the regulations, the Minister has a power to make a legislative instrument relating to the proscription of persons or entities other than by reference to one or more particular countries; and
- (b) under that provision, the Minister proposes to make a legislative instrument proscribing one or more persons or entities;

then before making the instrument:

- (c) the Minister must consult the Attorney-General and obtain the Attorney-General’s agreement in writing to the making of the instrument; and
- (d) the Minister must consult such other Ministers as the Minister considers appropriate.

(5) If:

- (a) under the regulations, the Minister has made a legislative instrument proscribing one or more persons or entities other than by reference to one or more particular countries; and
- (b) under the regulations, the Minister proposes to make another legislative instrument continuing the effect of the proscription, or revoking the proscription, of one or more of those persons or entities;

then before making the other instrument:

- (c) the Minister must consult the Attorney-General and obtain the Attorney-General’s agreement in writing to the making of the other instrument; and
- (d) the Minister must consult such other Ministers as the Minister considers appropriate.

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- (6) If, under a provision of the regulations, the Minister has a power to make a legislative instrument, the Minister must not, under the regulations, delegate that power to another person.

7 Application provisions

- (1) The amendment of subsection 6(1) of the *Autonomous Sanctions Act 2011* made by this Schedule applies in relation to a legislative instrument that is made on or after the commencement of this item.
- (2) Paragraph 10(4)(b) of the *Autonomous Sanctions Act 2011*, as added by this Schedule, applies in relation to a legislative instrument that is proposed to be made on or after the commencement of this item.
- (3) Paragraph 10(5)(a) of the *Autonomous Sanctions Act 2011*, as added by this Schedule, applies in relation to a legislative instrument that is made before, on or after the commencement of this item.
- (4) Paragraph 10(5)(b) of the *Autonomous Sanctions Act 2011*, as added by this Schedule, applies in relation to a legislative instrument that is proposed to be made on or after the commencement of this item.

[*Minister's second reading speech made in—
Senate on 24 November 2021
House of Representatives on 2 December 2021*]

(161/21)
