

Explanatory Statement

Issued by the Authority of the Minister for Foreign Affairs

Autonomous Sanctions Regulations 2011

Autonomous Sanctions (Suspension of Sanctions—Iran) Instrument 2016

The *Autonomous Sanctions Regulations 2011* (the Regulations) commenced on 15 December 2011. The purpose of the Regulations is to facilitate the conduct of Australia's relations with certain countries, and with specific entities or persons outside Australia, through the imposition of autonomous sanctions in relation to those countries, or targeting those entities or persons.

Paragraph 5D of the Regulations authorises the Minister for Foreign Affairs (the Minister), if satisfied that it is in the national interest to do so, to specify by legislative instrument that an activity mentioned in regulation 4 is not a sanctioned supply; that an activity mentioned in regulation 4A is not a sanctioned import; that an activity mentioned in regulation 5 is not a sanctioned service; or that an activity mentioned in regulation 5A, 5B, or 5C is not a sanctioned commercial activity.

Following the International Atomic Energy Agency's (IAEA) verification that Iran has taken certain actions required under the Joint Comprehensive Plan of Action as referred to in United Nations Security Council Resolution 2231 (2015), the Minister has specified through the *Autonomous Sanctions (Suspension of Sanctions—Iran) Instrument 2016* that the following sanction measures, only in relation to Iran, have been suspended:

The supply of the goods mentioned in Item 2 (b), (c), (d), (h), (i), and (k) of the table in subregulation 4(2) of the Regulations is no longer a sanctioned supply.

The import of the goods mentioned in Item 1 (a), (b), (c) and (d) of the table in subregulation 4A(2) of the Regulations is no longer a sanctioned import.

The import of or purchase of gold, precious metals or diamonds from an entity described in paragraphs 4(4)(a), (b), (e) or (f) of the Regulations is no longer an activity that constitutes a sanctioned import.

Engaging in activities described in subregulation 5(3) of the Regulations in respect of oil tankers and cargo vessels is no longer a sanctioned service.

Engaging in activities described in Item 2(a) of the table in subregulation 5(4) of the Regulations is no longer a sanctioned service.

Engaging the activities described in Item 2(b) of the table in subregulation 5(4) of the Regulations is no longer a sanctioned service if it related to goods that are export sanctioned goods for Iran under any of paragraphs (b), (c), (d), (h), (i), and (k) of item 2 of the table in subregulation 4(2) of the Regulations.

Engaging in the activities with the persons and entities described in Items 1, 2, 5 and 6 of subregulation 5(5) of the Regulations is no longer a sanctioned service.

Engaging in the activities described in Items 1, 2 and 3 of the table in regulation 5A of the Regulations is no longer a sanctioned commercial activity.

Engaging in activities described in subregulation 5A(2) of the Regulations with an entity or person described in Items 1, 2, 3, 7, 8 and 9 of the table in subregulation 5A(2) of the Regulations is no longer a sanctioned commercial activity.

Engaging in activities described in subregulation 5A(3) of the Regulations with an entity or person described in Items 1, 2 and 3 of the table in subregulation 5A(3) is no longer a sanctioned commercial activity.

Engaging in activities described in subregulation 5A(4) of the Regulations with a person or entity described in Items 1, 2 and 3 of the table in subregulation 5A(4) of the Regulations is no longer a sanctioned commercial activity. Nor is engaging in an activity covered by paragraphs 5A(4)(c) or (d) with respect to Iran.

The *Autonomous Sanctions (Suspension of Sanctions—Iran) Instrument 2016* takes effect on the date of its registration on the Federal Register of Legislative Instruments. This is appropriate given that the instrument is suspending a range of sanctions measures that prohibited certain activities. This has a beneficial effect for the Australian business community by immediately allowing certain previously prohibited commercial activities to be undertaken and does not have an adverse effect on any rights or obligations, except those of the Commonwealth. As such the immediate commencement of the instrument does not engage section 12(2) of the *Legislative Instruments Act 2003*.

In accordance with subsection 18(2) of the *Legislative Instruments Act 2003*, no public consultation was undertaken in relation to the *Autonomous Sanctions (Suspension of Sanctions—Iran) Instrument 2016*, as it is an instrument that is of minor regulatory impact as it suspends, and does not add to the legislative obligations on the Australian community. The Department of Foreign Affairs and Trade conducts regular outreach to the Australian business community to explain sanction laws implementing Australia's autonomous sanctions.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Autonomous Sanctions (Suspension of Sanctions—Iran) Instrument 2016

The *Autonomous Sanctions (Suspension of Sanctions—Iran) Instrument 2016* does not engage, and is therefore compatible with, the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.