Explanatory Statement

Issued by the Authority of the Minister for Foreign Affairs

Autonomous Sanctions Regulations 2011

Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Syria) List 2017

Section 28 of the Autonomous Sanctions Act 2011 (the Act) provides that the Governor-General may make regulations prescribing matters required or permitted by the Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The Autonomous Sanctions Regulations 2011 (the Regulations) facilitate the conduct of Australia’s relations with Syria, and with specific persons or entities outside Australia, through the imposition of autonomous sanctions in relation to Syria, and through targeting those persons or entities.

The Regulations permit the Minister for Foreign Affairs (the Minister) to designate a person or entity for targeted financial sanctions and/or declare a person for the purposes of a travel ban, if they satisfy a range of criteria, as set out in regulation 6.

The purpose of a designation is to subject the designated person or entity to targeted financial sanctions. There are two types of targeted financial sanctions under the Regulations:

- the designated person or entity becomes the object of the prohibition in regulation 14 (which prohibits directly or indirectly making an asset available to, or for the benefit of, a designated person or entity, other than as authorised by a permit granted under regulation 18); and/or
- an asset owned or controlled by a designated person or entity is a “controlled asset”, subject to the prohibition in regulation 15 (which requires a person who holds a controlled asset to freeze that asset, by prohibiting that person from either using or dealing with that asset, or allowing it to be used or dealt with, or facilitating the use of or dealing with it, other than as authorised by a permit granted under regulation 18).

The purpose of a declaration is to prevent a person from travelling to, entering or remaining in Australia.

Each person listed in Schedule 1 of the Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Syria) List 2017 (the 2017 List) is designated by the Minister pursuant to paragraph 6(1)(a) of the Regulations, and declared by the Minister pursuant to paragraph 6(1)(b) of the Regulations, on the basis that the person meets the criteria mentioned in Item 7 of the table in subregulation 6(1); that is, they are a person that the Minister is satisfied is:

- providing support to the Syrian regime; and/or
- responsible for human rights abuses in Syria, including (relevantly) the use of violence against civilians.
Each person listed in Schedule 2 of the 2017 List is designated by the Minister pursuant to paragraph 6(1)(a) of the Regulations, and designated by the Minister pursuant to paragraph 6(2)(a) of the Regulations. Each person listed in Schedule 2 of the 2017 List is also declared by the Minister pursuant to paragraph 6(1)(b) of the Regulations, and declared by the Minister pursuant to 6(2)(b) of the Regulations. This is on the basis that the person meets the criteria mentioned in Item 7 of the table in subregulation 6(1), and comes within subregulation 6(2); that is, they are a person that the Minister is satisfied is:

- providing support to the Syrian regime; and
- contributing to the proliferation of weapons of mass destruction.

Each entity listed in Schedule 3 of the 2017 List is designated by the Minister pursuant to paragraph 6(1)(a) of the Regulations on the basis that the entity meets the criterion mentioned in paragraph (a) of Item 7 of the table in subregulation 6(1); that is, it is an entity that the Minister is satisfied is:

- providing support to the Syrian regime.

Each entity listed in Schedule 4 of the 2017 List is designated by the Minister pursuant to paragraph 6(1)(a) of the Regulations, and designated by the Minister pursuant to paragraph 6(2)(a) of the Regulations. This is on the basis that the entity meets the criteria mentioned in Item 7 of the table in subregulation 6(1), and comes within subregulation 6(2); that is, it is an entity that the Minister is satisfied is:

- providing support to the Syrian regime; and
- contributing to the proliferation of weapons of mass destruction.

The new sanctions comprise financial and travel restrictions on the following 40 persons and financial restrictions on the following 14 entities.

**Persons**
- Ahmad Ballul
- Saji’ Darwish
- Muhammed Ibrahim
- Badi’ Mu'alla
- Suhayl Hasan Al-Hasan
- Muhammad Nafi Bilal
- Muhammad Mahmud Mahalla
- Tahir Hamid Khalil
- Jawdat Salbi Mawas
- Yasin Ahmad Dahi
- Ali Wanus
- Samir Da’bul
- Zuhayr Haydar
- Habib Hawrani
- Firas Ahmad
- Salah Habib
- Iyad Mohammad Esam Mahrous
- Ghassan Abbas
- Bayan Bitar
- Amr Armanzi
The legal framework for the imposition of autonomous sanctions by Australia, of which the Regulations and the 2017 List are part, was the subject of extensive consultation with governmental and non-governmental stakeholders.

In order to meet the policy objective of prohibiting unauthorised financial transactions involving the persons specified in the 2017 List, the Department is satisfied that wider consultations beyond those it has already undertaken would be inappropriate (subsections 17(1) and (2) of the *Legislation Act 2003*).

The Office of Best Practice Regulation (OBPR) has advised that a Regulation Impact Statement is not required (OBPR reference: 22550).