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 Mahmoud 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
Aziz Allouch  
Muhammed Bin-Muhammed Faris Quwaydir  
Hala Sirhan  
Ayman Ahmad  
Yusuf Al-Hatum  
Mashhur Al-Husayn  
Haytham Asmar  
Lu-ay Da-ud  
Rajab Dayyub  
Tha’ir Dayyub  
Ma'n Ghanim  
Farhan Ma'fuđ  
Yusuf Ma'tuq  
Misbah Mirdash  
Zuhayr Rabah  
Iyad Salim  
Muzhir Sharba  
Muhammad Khayr Sukhaytah  
Akram Sulayman  
Muhammad Hisham Fu'ad Yusuf

Entities

- Syriss Logistics and Services
- Mahrous Group
- Mahrous Trading FZE
- Higher Institute of Applied Science and Technology
- Expert Partners
- Organisation for Technological Industries
- National Standards and Calibration Laboratory
- Megatrade
- Yona Star International
- Sigma Tech
- Technolab
- Syrian Company for Information Technology
- Shadi for Cars Trading
- Denise Company

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).
Statement of Compatibility with Human Rights

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

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

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

A person subject to designation or declaration, and an entity subject to a designation, under regulation 6 of the Regulations may apply to the Minister for the revocation of those decisions (regulation 11 of the Regulations). Decisions under both regulations 6 and 11 of the Regulations are judicially reviewable.

The targeted financial sanctions imposed on the persons and entities designated under regulation 6 of the Regulations do not affect the title to any asset owned or controlled by the designated person or entity. A designated person may apply for a permit to draw on frozen assets, or receive assets from other sources, to meet basic expenses, including for foodstuffs, rent or mortgage, medicines or medical treatment, taxes, insurance premiums, public utility charges, reasonable professional fees, reimbursement of expenses associated with the provision of legal services, or fees or service charges that are in accordance with a law in force in Australia for the routine holding or maintenance of frozen assets (regulations 18 and 20 of the Regulations).

Similarly, a designated person or entity may apply for a permit to draw on frozen assets they own or control to satisfy any pre-existing judicial, administrative or arbitral lien or judgement awarded to another (non-designated) person or entity, as well as to make payments required under contracts, agreements or obligations made before the date on which those assets became frozen.

Regulation 19 authorises the Minister to waive the operation of a declaration under regulation 6 so as to allow the person to travel to, enter or remain in Australia, either on the grounds that it would be in the national interest or on humanitarian grounds.