

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—Russia and Ukraine) Amendment (No. 9) Instrument 2023

Autonomous sanctions are measures not involving the use of armed force which a government imposes as a matter of foreign policy in response to situations of international concern, including threats to a country's sovereignty and territorial integrity.

The *Autonomous Sanctions Regulations 2011* (the Regulations) make provision for, among other things, the making and revocation of designations of persons or entities for the purpose of applying targeted financial sanctions, and of declarations of persons for the purposes of imposing a travel ban. Regulation 6 of the Regulations enables the Minister for Foreign Affairs to, among other things, declare and designate persons if satisfied that the person is, or has been, engaging in an activity or performing a function that is of economic or strategic significance to Russia.

Designated persons and entities, and declared persons, in relation to Russia and Ukraine are listed in the Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) List 2014 (the 2014 List). The Minister is able to revoke a designation or declaration under regulation 10 of the Regulations and may do so on their own initiative.

Details of the Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Russia and Ukraine) Amendment (No. 9) Instrument 2023 (the Instrument) which amends the 2014 List to revoke the designation and declaration of Oleg Tinkov are set out at **Attachment A**. The Minister revoked the designation and declaration of Oleg Tinkov as she was satisfied that it was in Australia's foreign policy interests to do so.

The legal framework for the imposition of autonomous sanctions by Australia, of which the Regulations and the 2014 List are part, was the subject of extensive consultation with governmental and non-governmental stakeholders when introduced. The revocation was made at the discretion of the Minister for Foreign Affairs on their own initiative under regulation 10(2). Regulation 10(2) provides that the Minister may revoke a designation or declaration on the Minister's initiative. This revocation was made following consultation with relevant government agencies and likeminded partners including the United Kingdom.

The Office of Impact Analysis (OIA) has advised that an Impact Analysis is not required for listing instruments of this nature (OBPR reference: OBPR22-02078).

Attachment A

Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Russia and Ukraine) Amendment (No. 9) Instrument 2023

Section 1

The title of the instrument is the Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Russia and Ukraine) Amendment (No. 9) Instrument 2023.

Section 2

Subsection 2(1) provides that the instrument commences the day after it is registered.

Subsection 2(2) is a technical provision that makes clear that any information inserted in column 3 of the table about the specific date of commencement is not part of the instrument and can be inserted or edited at a later date.

Section 3

The Instrument is made under regulation 10 of the Autonomous Sanctions Regulations 2011. Regulation 10 of the Regulations enables the Minister to revoke the designation of a person or entity who is the subject to targeted financial sanctions or the declaration of a person subject to a travel ban.

Section 4

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

Schedule 1

Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Russia and Ukraine) List 2014

Item 1

Part 1 of Schedule 2 of the List sets out persons that the Minister has designated, under the Russia criteria set out in table item 6A of regulation 6 of the Regulations, for targeted financial sanctions, and declared for the purposes of a travel ban.

This item removes the name Oleg Tinkov, which appeared at item 104 of the table in Part 1 of Schedule 2 of the List, from the List.

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—Russia and Ukraine) Amendment (No. 9) Instrument 2023

This Disallowable Legislative Instrument 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*.

Overview of the Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Russia and Ukraine) Amendment (No. 9) Instrument 2023

The Autonomous Sanctions (Designated Persons and Entities and Declared Persons—Russia and Ukraine) Amendment (No. 9) Instrument 2023 revokes the designation and declaration of Oleg Tinkov under the Autonomous Sanctions Regulations 2011. This has the effect of lifting travel and financial restrictions currently in place on Mr Tinkov.

Human rights implications

This Disallowable Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Disallowable Legislative Instrument is compatible with human rights as it does not raise any human rights issues.