

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

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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*.

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Note: This table relates only to the provisions of this Act as originally enacted.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Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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.

(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)