

EXPLANATORY STATEMENT

Issued by the Authority of the Minister for Foreign Affairs

Autonomous Sanctions Act 2011

Autonomous Sanctions Amendment (Iran) Regulation 2016

The purpose of the *Autonomous Sanctions Amendment (Iran) Regulation 2016* (the Iran Amendment Regulation) is to amend the *Autonomous Sanctions Regulations 2011* to remove certain autonomous sanctions measures that Australia implements in relation to Iran, following the suspension of these measures in the *Autonomous Sanctions (Suspension of Sanctions – Iran) Instrument 2016*.

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 Principal Regulations) 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.

The Principal Regulations impose, inter alia, an autonomous sanctions regime in relation to Iran, by prohibiting the supply of export sanctioned goods to Iran without a sanctions permit; prohibiting controlled imports from Iran; prohibiting services relating to export sanctioned goods and prohibiting certain commercial transactions with Iran. The Regulations also give the Minister for Foreign Affairs the capacity to designate persons or entities for the purposes of targeted financial sanctions and to declare persons for the purposes of travel bans.

The proposed *Autonomous Sanctions Amendment (Iran) Regulation 2016* would remove certain autonomous sanctions measures that Australia implements in relation to Iran, following the suspension of these measures in the *Autonomous Sanctions (Suspension of Sanctions - Iran) Instrument 2016*. This suspension was implemented following Implementation Day (16 January 2016), as a result of the assessment by the International Atomic Energy Agency that Iran had modified its domestic nuclear facilities to the extent required by the Joint Comprehensive Plan of Action.

In accordance with subsection 18 (2) of the *Legislative Instruments Act 2003*, no public consultation was undertaken in relation to the proposed Regulation, as it is an instrument that is of minor regulatory impact. The Department of Foreign Affairs and Trade conducts regular outreach to the Australian business community to explain Australian sanctions laws.

Details of the Iran Amendment Regulation are set out in the [Attachment](#).

Statement of Compatibility with Human Rights

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

Autonomous Sanctions Amendment (Iran) Regulation 2016

The *Autonomous Sanctions Amendment (Iran) Regulation 2016* (the Iran Amendment Regulation) 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*.

In summary, Amendment Regulation amends the Autonomous Sanctions Regulations 2011 by removing sanctions on certain imports, exports, services and commercial activities with Iran, as a result of the assessment by the International Atomic Energy Agency that Iran had modified its domestic nuclear facilities to the extent required by the Joint Comprehensive Plan of Action.

The Amendment Regulation does not engage any of Australia's international human rights obligations it repeals sanctions formerly imposed on certain imports, exports, services and commercial activities with Iran, where previously dealing in such goods and services was prohibited. Accordingly, this Amendment Regulation is consistent with Australia's international human rights obligations and has no adverse implications for Australia's compliance with such obligations.

Remaining sanctions are related to prohibitions on the export of arms and related materiel and certain nuclear-related material and the capacity to designate persons or entities for the purposes of targeted financial sanctions and to declare persons for the purposes of travel bans.

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

ATTACHMENT

Details of the *Autonomous Sanctions Amendment (Iran) Regulation 2016*

Section 1 – Name of Regulation

Section 1 would provide that the name of the regulation is the *Autonomous Sanctions Amendment (Iran) Regulation 2016*

Section 2 – Commencement

Section 2 would provide that the regulation commences on the day after it is registered.

Section 3 – Authority

Section 3 would provide that the regulation is made under the *Autonomous Sanctions Act 2011*.

Section 4 – Schedules

Section 4 would insert that ‘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 – Amendments

Schedule 1 would insert the following Amendments to the *Autonomous Sanctions Regulations 2011*

1 Regulation 3 (definition of *Australia Group Common Control Lists*)

Repeal the definition.

2 Subregulation 4(2) (table item 2, paragraphs (b), (c), (d), (h), (i) and (k))

Repeal the paragraphs.

3 Paragraphs 4(4)(a) and (b)

Repeal the paragraphs.

4 Paragraphs 4(4)(e) and (f)

Omit “paragraphs (a) to (d)”, substitute “paragraph (c) or (d)”.

5 Subregulation 4A(2) (table item 1)

Repeal the item.

6 Paragraphs 4A(4)(a) and (b)

Repeal the paragraphs.

7 Paragraphs 4A(4)(e) and (f)

Omit “paragraphs (a) to (d)”, substitute “paragraph (c) or (d)”.

8 Subregulation 5(3)

Repeal the subregulation.

9 Subregulation 5(4) (table item 2)

Repeal the item, substitute:

2	Iran	The manufacture, maintenance or use of an export sanctioned good for Iran.
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10 Subregulation 5(5) (table items 1 and 2)

Repeal the items.

11 Subregulation 5(5) (table item 5)

Omit “any of items 1 to 4”, substitute “item 3 or 4”.

12 Subregulation 5(5) (table item 6)

Omit “items 1 to 5”, substitute “items 3 to 5”.

13 Subregulation 5A (heading)

Repeal the heading, substitute:

5A Sanctioned commercial activity—Syria

14 Subregulation 5A(1) (table items 1 to 3)

Repeal the items.

15 Subregulation 5A(2) (table items 1 to 3)

Repeal the items.

16 Subregulation 5A(2) (table items 7 to 9)

Omit “items 1 to 6”, substitute “items 4 to 6”.

17 Subregulation 5A(3) (table items 1 to 3)

Repeal the items.

18 Paragraphs 5A(4)(c) and (d)

Omit “Iran or”.

19 Subregulation 5A(4) (table items 1 to 3)

Repeal the items.

20 Subregulation 6(1) (table item 4)

Omit “1803 or 1929”, substitute “1803, 1929 or 2231”.