

International Comparative Legal Guides

Sanctions 2027

A practical cross-border resource to inform legal minds

Eighth Edition

Contributing Editors:

Adam M. Smith & David A. Wolber

Gibson, Dunn & Crutcher LLP

iclg

Expert Analysis Chapters

- 1** U.S.—China Strategic Competition and the Impact of Economic Statecraft on Global Financial Institutions and Corporates
Adam M. Smith, David A. Wolber, Dharak Bhavsar & Hui Fang, Gibson, Dunn & Crutcher LLP
- 12** From Blocking Rules to Countering Long-Arm Jurisdiction: China's Evolving Response to Foreign Sanctions
Liang Ding & Zhe Yang, DeHeng Law Offices
- 18** The Broadening Reach of EU Sanctions Against Russia — Substance Over Form and the Closing of Regulatory Gaps in the Financial Sector
Dr. Siqi Zhao, James Timmers-Yokoyama, Floor Koops & Sebastiaan Bennink, Bennink Dunin-Wasowicz
- 24** The Criminalisation of Sanctions Evasion in the European Union: Practical Consequences of Directive (EU) 2024/1226
Valerijus Ostrovskis, Coline Cauvin, Yapa Thepkanjana & Delphine Buyle, ACQUIS

Q&A Chapters

- 30** **Australia**
Dennis Miralis, Jack Dennis & Richard Boesel,
Nyman Gibson Miralis
- 38** **Belgium**
Valerijus Ostrovskis, Coline Cauvin, Yapa Thepkanjana &
Delphine Buyle, ACQUIS
- 46** **China**
Weiyang (David) Tang, Juanqi (Jessica) Cai,
Siyu (Rain) Wang & Zixuan (Jessica) Li, JunHe LLP
- 54** **France**
William Julié, Amélie Beauchemin & Elena Moreno,
WJ Avocats
- 61** **Germany**
Benno Schwarz & Nikita Malevanny,
Gibson, Dunn & Crutcher LLP
Veit Bütterlin-Goldberg & Svea Ottenstein,
AlixPartners
- 75** **Greece**
Ovvadias S. Namias, Vasileios Petropoulos &
Ilias Spyropoulos, Ovvadias S. Namias Law Firm
- 83** **Japan**
Kazuho Nakajima, Hanako Ohwada, Yutaro Yokose &
Hiroto Shimmoto, Nishimura & Asahi (Gaikokuho
Kyodo Jigyo)
- 90** **Netherlands**
Valentina Roşca & Floor Koops,
Bennink Dunin-Wasowicz
- 97** **Sweden**
Anders Leissner, Martin Johansson, Isak Lefvert &
Imola Szanto, Advokatfirman Vinge KB
- 104** **Switzerland**
Dr Mercédeh Azeredo da Silveira & Stephan den Hartog,
AZHA Avocats — Attorneys-at-Law
- 111** **United Kingdom**
Irene Polieri & Josephine Kroneberger,
Gibson, Dunn & Crutcher LLP
- 118** **USA**
Samantha Sewall, Audi K. Syarief & Sarah Burns,
Gibson, Dunn & Crutcher LLP

Australia



Dennis Miralis



Jack Dennis



Nyman Gibson Miralis

Richard Boesel

1 Overview

1.1 Describe your jurisdiction's sanctions regime.

Australia implements two types of sanctions:

- (1) the United Nations Security Council ('UNSC') sanctions, which are imposed because of Australia's membership with the United Nations ('UN'); and
- (2) sanctions imposed autonomously by the Australian government.

Type 1: UNSC sanctions

As a member of the UN, Australia is required by Article 25 of the Charter of the United Nations to implement UNSC decisions.

Prior to 1993, Australia typically implemented UNSC resolutions by making regulations under various Commonwealth Acts. However, due to regulatory limitations, the government was unable to give full effect to UNSC resolutions through that practice. In 1993, the Australian Parliament amended the *Charter of the United Nations Act 1945* (Cth) ('COTUNA') to allow for regulations to be made that gave full effect to UNSC sanction regimes.

Pursuant to subsections 27(1) to (3) of the COTUNA, an individual commits an offence if they contravene a UN sanction enforcement law, or a condition of a licence, permission, consent, authorisation, or approval under a UN sanction enforcement law. If convicted of that offence, a maximum term of 10 years' imprisonment or a fine may be imposed by the courts. Corporations are also subject to UNSC sanctions. Conduct that contravenes a UN sanction enforcement law or a condition of a licence, permission, consent, authorisation, or approval under a UN sanction enforcement law is an offence of strict liability and punishable by a fine.

Type 2: Australian autonomous sanctions

Autonomous sanctions are punitive measures imposed unilaterally by the Australian government as a foreign policy tool and are implemented under the *Autonomous Sanctions Act 2011* (Cth) ('Sanctions Act') and the *Autonomous Sanctions Regulations 2011* (Cth) ('Sanctions Regulations'). Autonomous sanctions are discretionary tools that the Australian government can apply, alone or with like-minded countries where appropriate, to address situations of international concern.

These sanctions are defined as a sanction that:¹

- (1) is intended to influence foreign government entities, or other entities outside Australia in accordance with Australian government policy; or
- (2) involves the prohibition of conduct in or connected with Australia that facilitates the abovementioned influence.

The Department of Foreign Affairs and Trade ('DFAT') notes that these sanctions aim to limit the adverse consequences of a situation of international concern, impose costs on those responsible, and resolve the situation without the use of force.²

Australia uses the autonomous sanctions regimes where the UNSC has been unwilling, or unable, to impose sanctions, as well as to impose additional autonomous sanctions that 'complement' existing UNSC sanctions.³

Pursuant to section 10 of the Sanctions Act, regulations may be made for a range of actions, including:

- (a) proscription of persons or entities;
- (b) restriction or prevention of uses of, dealings with, and making available of assets;
- (c) restriction or prevention of the supply, sale or transfer of goods or services; and
- (d) restriction or prevention of the procurement of goods or services.

In practice, this leads to sanctions that:

- (e) designate specific individuals or entities as subject to financial sanctions (e.g. prohibiting making assets available to that person, as well as asset freezes);
- (f) ban travel to and transiting through Australia;
- (g) restrict trade or procurement in goods and services (e.g. prohibiting the export or import of specific goods or services);
- (h) restrict commercial activities or certain dealings (e.g. purchasing shares, granting intellectual property ('IP') rights, or establishing a joint venture); and
- (i) designate specific vessels as sanctioned vessels, including preventing them from entering Australia.

Pursuant to section 11 of the Sanctions Act, sanctions regulations may be expressed to have extraterritorial effect. Accordingly, these sanctions can apply to activities that occur:

- (a) in Australia;
- (b) on board an Australian aircraft or ship; or
- (c) by Australian citizens living or body corporates registered/incorporated by or under Australian law (whether in Australia, overseas, or on board a domestic or foreign vessel or aircraft).

Pursuant to sections 16(1) and (2) of the Sanctions Regulations, an individual commits an offence if their conduct contravenes a sanctions law, or their conduct contravenes a condition of an authorisation (however described) under a sanctions law. If convicted of that offence, a maximum term of 10 years' imprisonment or a fine may be imposed by the courts. Corporations are also subject to autonomous sanctions. Conduct that contravenes a sanctions law, or a condition of an authorisation (however described) under a sanctions law, is an offence of strict liability and punishable by a fine.

1.2 What are the relevant government agencies that administer or enforce the sanctions regime?

The Australian Sanctions Office ('ASO'), within DFAT, is Australia's principal sanctions regulator. The ASO is responsible for the following:

- (a) providing guidance on Australian sanctions law to regulated entities, which at the time of writing totalled at least 22 Guidance Notes and 22 Advisory Notes spanning a range of topics and industries;⁴
- (b) processing applications for, and issuing, sanctions permits (see question 3.3);
- (c) working with individuals, businesses, and other organisations to promote compliance and help prevent breaches of the law;
- (d) working in partnership with other government agencies to monitor compliance with sanctions legislation; and
- (e) supporting corrective and enforcement action by law enforcement agencies in cases of suspected non-compliance (see section 4).

The ASO also works with a network of federal partners, including the Department of Defence, the Australian Transaction Reports and Analysis Centre ('AUSTRAC'), the Department of Home Affairs, Australian Border Force ('ABF'), and the Australian Federal Police ('AFP'), to promote compliance with Australian sanctions law and respond to possible breaches.

Department of Defence

The Australian Defence Force ('ADF') supports the ASO by enforcing sanctions. For example, since 2018, the ADF has continued to undertake Operation Argos to enforce UNSC sanctions on North Korea.⁵ UNSC sanctions limit North Korea's imports of refined petroleum and crude oil, and its exports of coal, all of which are facilitated by such transfers.

As part of the operation, the ADF monitors and deters illegal ship-to-ship transfers of sanctioned goods. In practice, ADF assets such as Royal Australian Navy ships and Royal Australian Air Force maritime patrol aircrafts are deployed to carry out the monitoring and deterrence efforts.

AUSTRAC

AUSTRAC is Australia's financial intelligence unit ('FIU'), which supports the ASO by monitoring sanctions compliance. By way of example:

- (a) In 2022, AUSTRAC established a dedicated intelligence team to monitor and triage financial reporting about Russian sanctions, including suspicious matter reporting and international funds transfer reporting, as well as joining the Russia-Related Illicit Finance and Sanctions ('RRIFS') FIU Working Group.⁶
- (b) In 2023, AUSTRAC commenced Operation Salem, which is an operational response to the Israel/Gaza conflict and includes monitoring for sanctions transactions.⁷
- (c) By 2026, AUSTRAC-regulated entities were required to incorporate sanctions screenings into their anti-money laundering and counter-terrorism financing programmes.

Department of Home Affairs

The Department of Home Affairs is responsible for implementing all visa restrictions in respect of travel bans listed under Australian sanctions law. Travel bans prohibit the entry into or transit through Australia of designated persons. A person subject to a travel ban may be a citizen or resident of any country.

Australian Border Force

The ABF is responsible for stopping the import or export of goods from Australia to ensure compliance with Australian law and international obligations. If the ABF believes the import or export of goods may require a sanctions permit, the ABF will hold the goods at the border and request the ASO to conduct a sanctions assessment. The ABF may request further information if a person or corporation's exports or imports have been referred to the ASO for assessment. The ABF will not release goods until the ASO has completed its sanctions assessment, as the ABF must ensure that all export/import requirements have been met prior to any release.

Australian Federal Police

The AFP's principal role is gathering information about controlled assets relating to sanctions. The AFP also works with the ASO and ABF to investigate possible sanctions breaches, which can then lead to possible criminal prosecution by the Commonwealth Director of Public Prosecutions ('CDPP').

Pursuant to regulation 23 of the Sanctions Regulations, a person who holds an asset that the person suspects is, or may be, a controlled asset may request the AFP to help the person determine whether or not the asset is owned or controlled by a designated person or entity.

1.3 Have there been any significant changes or developments impacting your jurisdiction's sanctions regime over the past 12 months?

Over the past 12 months, there have been a series of developments impacting Australia's sanctions regimes and posing it for further change.

The most notable sanctions-related litigation in the last 12 months took place in the High Court with the matter of *Deripaska v Minister for Foreign Affairs* [2026] HCA 14. That matter concerned a Russian national's appeal after he was designated for targeted financial sanctions pursuant to the Sanctions Regulations. To challenge this, the appellant argued that regulations 14 and 15 of the Regulations, which prohibit others from making assets available to the designated person, or from dealing with assets owned or controlled by the designated person, had the practical effect of denying the designated person access to legal representation if they did not obtain an exemption permit pursuant to regulation 18.

This would impede upon their right to invoke judicial review in either the High Court or Federal Court, and the courts' ability to enforce the limits of decision-making powers conferred by the Sanctions Act, as enshrined in the Australian Constitution and the *Judiciary Act 1903* (Cth). The High Court dismissed the appeal, finding that regulations 14 and 15 could be read in a manner that excluded a constitutionally impermissible operation that prevented designated persons from retaining lawyers for the purpose of judicial review.

A variety of new sanctions have been imposed in response to ongoing international conflicts:

- (a) The Australian government has increased its sanctions on individuals and entities connected to the Islamic Republic of Iran. On 12 May 2026, the ASO published that they had designated seven persons and four entities for targeted financial sanctions and/or declared for travel bans. These designations have been made on the basis that the Minister is satisfied that the person or entity contributed or is contributing to Iran's nuclear or missile programmes, or is engaged in the oppression of women and children in Iran, or general oppression, or is a person that is assisting or assisted Iran in undermining the sovereignty of another country.⁸

- (b) Further sanctions have been placed by the Australian government in relation to the continuing Israel-Palestine conflict. This includes in June 2026, when financial and travel ban sanctions were imposed against three individuals and four entities for involvement in violent settlements in the West Bank. This was part of a coordinated effort with Canada, France, Norway, and the United Kingdom.⁹ These are in addition to sanctions already made in July 2024.^{10,11}
- (c) In December 2025, the Australian government implemented UNSC sanctions in relation to Haiti, following high levels of gang violence and other criminal activities undermining the peace and stability of Haiti and surrounding regions. The *Charter of the United Nations (Sanctions – Haiti) Regulations 2025* (Cth) has resulted in nine persons and two entities being designated.¹²
- (d) In December 2025, Australia introduced an autonomous sanctions framework in relation to Afghanistan. This was in response to the ongoing oppression of women and girls, minority groups, and the general population of Afghanistan since the Taliban claimed authority over the country in August 2021. Similar to the frameworks for Haiti and other sanctioned countries, there are now restrictions on supplying arms/related materiel, providing particular services to designated persons or entities, providing assets to or dealing with assets from designated persons/entities, as well as travel bans on designated persons.¹³

2 Legal Basis / Sanctions Authorities

2.1 What are the legal or administrative authorities for imposing sanctions?

The Minister for Foreign Affairs (**‘Minister’**) is the person responsible for imposing sanctions in Australia. Pursuant to section 6 of the Sanctions Act, the Minister may, by legislative instrument, specify a provision of a law of the Commonwealth as a sanctions law. Pursuant to section 2B(1) of the COTUNA, the Minister may also, by legislative instrument, specify a provision of a law of the Commonwealth as a UN sanction enforcement law.

The Minister (in conjunction with the Governor-General) makes regulations pursuant to the Sanctions Act. See question 1.1 for the kind of proscriptions and restrictions permissible.

Regulation 18 of the Sanctions Regulations enables the Minister to grant a person a permit authorising that person to make sanctioned supplies, imports, commercial activities, or sanctioned services, or to deal with designated persons and controlled services. See question 3.3 for further details.

DFAT is responsible for administering and enforcing the COTUNA, the Sanctions Act, and the Sanctions Regulations.

2.2 Does your jurisdiction implement United Nations sanctions? Describe that process. Are there any significant ways in which your jurisdiction fails to implement United Nations sanctions?

Australia implements UNSC sanctions through the COTUNA, *Charter of the United Nations (Dealing with Assets) Regulations 2008* (Cth), and other regulations implementing UNSC sanctions resolutions targeting particular countries or issues.

Refer to question 1.1 for further details.

2.3 Is your jurisdiction a member of a regional body that issues sanctions? If so: (a) does your jurisdiction implement those sanctions? Describe that process; and (b) are there any significant ways in which your jurisdiction fails to implement these regional sanctions?

Regional bodies do not presently issue sanctions in Australia.

2.4 Does your jurisdiction maintain any lists of sanctioned individuals and entities? How are individuals and entities: (a) added to those sanctions lists; and (b) removed from those sanctions lists?

The ASO maintains a Consolidated List of designated entities and persons. See question 2.1 for how the Minister adds entities to this list.

Regulation 10 of the Sanctions Regulations enables the Minister to revoke the designation of a person or entity by legislative instrument and may do so on the Minister’s own initiative. Additionally, there is an avenue for application of delisting (see question 2.5 for further information).

2.5 Is there a mechanism for an individual or entity to challenge its addition to a sanctions list?

There are two main ways to ‘challenge’ a designation:

- (1) **Request revocation:** Designated persons or entities may request to be removed from a sanctions list. The body to which the request should be made depends on the person or entity that was designated. For example, regulation 11 of the Sanctions Regulations allows an entity to make an application to the Minister to revoke a designation under the autonomous regime. The application must be in writing and set out the circumstances relied upon to justify the application. For the UNSC sanctions regime, DFAT will provide a listed person or entity with a statement of reasons for the listing upon written request by the person or entity, and:
 - (i) for UNSC listings, requests should be made to the Focal Point for De-listing or through the country of citizenship or residence;
 - (ii) for UNSC listings related to ISIL (Da’esh) and Al-Qaida, requests for removal should be made to the UN Office of the Ombudsperson or through the person or entity’s country of citizenship or residence; and
 - (iii) for listings under the counter-terrorism sanctions regime or Australian autonomous sanctions, requests should be made through the DFAT sanctions contact page online.
- (2) **Judicial review:** An entity may challenge the decision to list before an Australian court. The basis upon which this challenge can be made largely turns on the decision-making process and administrative law.

There are also mechanisms for a person to apply to the Minister for a travel ban waiver, and the conditions for which vary depending on whether the travel ban is imposed under the UNSC or the autonomous regimes. For example, the Minister may grant a waiver under the latter if it would be in the national interest and there are humanitarian grounds to do so.¹⁴

2.6 How does the public access those lists?

The Consolidated List is accessible online on DFAT's webpage¹⁵ and was most recently updated on 23 July 2026.

2.7 Does your jurisdiction maintain any comprehensive sanctions or embargoes against countries or regions?

Australia has currently implemented UNSC sanctions connected to:

- (1) the Central African Republic;
- (2) the Democratic People's Republic of Korea;
- (3) the Democratic Republic of the Congo;
- (4) Guinea-Bissau;
- (5) Haiti;
- (6) Iran;
- (7) Iraq;
- (8) Lebanon;
- (9) Libya;
- (10) Somalia;
- (11) South Sudan;
- (12) Sudan;
- (13) Syria; and
- (14) Yemen.

Separately, Australia has implemented autonomous sanctions connected to:

- (1) Afghanistan;
- (2) the Democratic People's Republic of Korea;
- (3) the Former Federal Republic of Yugoslavia;
- (4) Iran;
- (5) Libya;
- (6) Myanmar;
- (7) Russia;
- (8) Syria;
- (9) Ukraine; and
- (10) Zimbabwe.

As would be noted, Australia has simultaneously imposed sanctions in addition to the UNSC sanctions in respect of at least six countries.

2.8 Does your jurisdiction maintain any other sanctions?

In addition to the country-specific sanctions set out in question 2.7 above, Australia also implements the UNSC sanctions against Al-Shabaab, ISIL (Da'esh), and Al-Qaida, as well as the counter-terrorism (UNSCR 1373) sanctions framework.

Additionally, Australia has also established thematic sanctions regimes with respect to significant cyber incidents, serious violations or abuses of human rights, and serious corruption.

In late 2025, Australia also established a separate framework for vessels.

See questions 1.1, 2.1, and 2.2 for further information on other sanctions.

2.9 What is the process for lifting sanctions?

See questions 2.5 and 2.6.

2.10 Does your jurisdiction have an export control regime that is distinct from sanctions?

Australia maintains an export control regime distinct from

sanctions that is comprehensive and in place to ensure that the control of goods imported and exported to and from Australia are carried out consistent with Australia's national interests and international obligations.

Australia's export control system is primarily implemented by Defence Export Controls, a unit within the Department of Defence. The agency is responsible for controlling the export of Australian goods, software, and technologies and is accountable to the Minister of Defence. There are several pieces of federal legislation and regulations that collectively form Australia's export control system, including the following:

- (1) the *Customs Act 1901* (Cth) and *Customs (Prohibited Exports) Regulations 1958* (Cth), which primarily deal with controls for export of tangible defence and dual-use goods and technologies;
- (2) the *Weapons of Mass Destruction (Prevention of Proliferation) Act 1995* (Cth), which controls goods and technologies that are believed or suspected to be used in a weapons of mass destruction programme; and
- (3) the *Defence Trade Controls Act 2012* (Cth), which controls the transfer of defence and strategic goods technologies.

2.11 Does your jurisdiction have blocking statutes or other restrictions that prohibit adherence to other jurisdictions' sanctions or embargoes?

No. There are presently no blocking statutes or other restrictions prohibiting adherence to other jurisdictions' sanctions or embargoes.

2.12 Does your jurisdiction impose any prohibitions or threaten any sanctions consequences for transactions that do not have a connection to that jurisdiction (sometimes referred to as "secondary sanctions")?

Australia does not presently impose secondary sanctions. Since sanctions regulations have extraterritorial effect, sanctions law applies in Australia, to Australian citizens, and to Australian-registered body corporates abroad or on board an Australian aircraft or vessel. There are primary offences for the contravention of sanctions for individuals and corporations.

3 Implementation of Sanctions Laws and Regulations

3.1 What parties and transactions are subject to your jurisdiction's sanctions laws and regulations? For example, do sanctions restrictions apply based on the nationality of the parties involved? Or the location where the transactions take place?

Please refer to question 1.1 above.

3.2 Are parties required to block or freeze funds or other property that violate sanctions prohibitions?

A person or entity that holds the asset has the responsibility of freezing an asset subject to targeted financial sanctions; for example, the financial institution that holds the funds of a designated person or entity.

The Australian government can also seek to freeze the assets of a party that is alleged to hold or deal with an asset controlled or owned by a designated person or entity. The Minister may

also ‘freeze’ certain funds or other assets, the consequence of which is that persons and entities are prohibited from dealing with it, as doing so would constitute an offence.

3.3 Are there licences available that would authorise activities otherwise prohibited by sanctions?

Under Australian law, the Minister may grant a permit to allow activity that would otherwise be prohibited by an Australian sanctions law. In practice, these may be general permits (e.g. available to certain individuals seeking to engage in activities) or specific (i.e. available to a specific entity for a specific activity).

Regulation 18 of the Sanctions Regulations enables the Minister to grant a person a permit authorising the following:

- (a) the making of a sanctioned supply;
- (b) the making of a sanctioned import;
- (c) engaging in a sanctioned commercial activity;
- (d) the provision of a sanctioned service;
- (e) the making available of an asset to a person or entity that would otherwise contravene regulation 14 (injunctions provision); or
- (f) a use of, or a dealing with, a controlled asset.

In relation to Australia’s autonomous regime, the Minister may grant a permit on the Minister’s initiative or on application by a person; however, the Minister must not grant a permit unless the Minister is satisfied that it would be in the national interest to grant the permit, and about any circumstance or matter required by the regulation to be considered for a particular kind of permit. Any permit may be granted conditionally.

Permits under UNSC sanctions require approval from the UNSC.

The Minister has granted general permits for IP rights in connection to the laws of Russia and the Eurasian Patent Convention (its reference code being SAN-2026-00216), Afghanistan humanitarian assistance (SAN-2025-00199), and legal services (SAN-2024-00138). Entities must meet certain requirements to rely on these general permits, such as notifying the ASO of their intention to do so.

3.4 Are there any sanctions-related reporting requirements? When must reports be filed and what information must be reported?

Under section 19 of the Sanctions Act, the CEO of a designated Commonwealth entity may require a person to give information or documents for the purpose of determining whether a sanctions law has been or is being complied with. The person must provide the information or documents by the time and in any manner or form as specified in the CEO’s notice. The time specified in the notice must be reasonable. The CEO may require the information to be verified by, or given on, oath or affirmation that the information is true.

It is not possible to use the privilege of self-incrimination to justify not providing information or documents. However, neither the information given, nor the giving of the document, is admissible in evidence against the individual in any criminal proceedings, or in any proceedings that would expose the individual to a penalty, other than proceedings for an offence against:

- section 17 (false or misleading information given in connection with a sanctions law); or
- section 21 (failure to comply with a requirement to give information or a document).

Failing to comply with the requirement is a criminal offence with a penalty of up to 12 months’ imprisonment.

3.5 How does the government convey its compliance expectations? Are certain entities required to maintain compliance programmes? What are the elements of a compliance programme required (or recommended) by the competent regulator(s)?

Australian businesses and individuals are required to conduct due diligence to ensure they do not deal with sanctioned persons or entities. Beyond this, there is no explicit reporting requirement for a sanctions compliance programme for entities.

4 Enforcement

4.1 Are there criminal penalties for violating economic sanctions laws and/or regulations?

As indicated in questions 1.1 and 3.4 above, the violation of economic sanctions laws and related laws and regulations attracts serious criminal offences, including strict liability offences.

4.2 Which government authorities are responsible for investigating and prosecuting criminal economic sanctions offences?

The criminal enforcement process involves DFAT, the AFP, and the CDPP. The AFP and DFAT are involved in investigating and may refer matters to the CDPP for prosecution.

4.3 Is there both corporate and personal criminal liability?

Yes. An individual or a body corporate can be criminally liable for breaching sanctions laws.

Part 2.5 of the *Criminal Code Act 1995* (Cth) (**‘Criminal Code’**) sets out the methods by which criminal offences can be attributed to corporations. Under section 12.2, the physical element of an offence may be attributed to a corporation using traditional agency principles, with physical acts of ‘an employee, agent or officer acting within his or her actual or apparent authority’ attributable to a corporation.

Section 12.3 of the Criminal Code provides that when an offence requires fault elements of intention, knowledge, or recklessness, this state of mind is imputed to a corporation if it ‘expressly, tacitly or impliedly authorised or permitted the commission of the offence’.

However, according to section 16(7) of the Sanctions Act, body corporates do not commit an offence if they took reasonable precautions and exercised due diligence to avoid contravening that provision. Additionally, section 13.4 of the Criminal Code applies to body corporates as it does to individuals – that is, that the burden of proof on defendants is evidential only.

4.4 What are the maximum financial penalties applicable to individuals and legal entities convicted of criminal sanctions violations?

Section 16 of the Sanctions Act sets out the maximum financial penalties for the offence of contravening a sanctions law.

For individuals, the maximum is the greater of:

- 2,500 penalty units (which currently equals AU\$910,000); or

- a penalty three times greater than the value of the impugned transaction.

For body corporates, the offence of contravening a sanctions law is either the greater of:

- 10,000 penalty units (which currently equals AU\$3.64 million); or
- a penalty three times greater than the value of the impugned transaction.

4.5 Are there other potential consequences from a criminal law perspective?

An individual or body corporate may face a variety of consequences from a criminal law perspective, such as imprisonment or a fine. The consequences will depend on the sanctions regime that has been breached. A breach of sanctions law may expose an individual or body corporate to offences in breach of terrorism financing laws, anti-money laundering or anti-fraud laws, customs law, or other offences contained in the Criminal Code.

4.6 Are there civil penalties for violating economic sanctions laws and/or regulations?

No. There is no civil liability for breaches of Australian sanctions laws.

4.7 Which government authorities are responsible for investigating and enforcing civil economic sanctions violations?

There is no civil liability, only criminal. Please see questions 1.2 and 2.1.

4.8 Is there both corporate and personal civil liability?

There is no civil liability, only criminal. Please see question 4.3.

4.9 What are the maximum financial penalties applicable to individuals and legal entities found to have violated economic sanctions?

There is no civil liability, only criminal. Please see question 4.4.

4.10 Are there other potential consequences from a civil law perspective?

There are limited but important civil law consequences for breaching Australian sanctions law, including such a breach that constitutes a breach of director duties under the *Corporations Act 2001* (Cth).

There are also broader reputational and commercial risks, such as customers or vendors being able to sue for breach of contract, or investors having grounds to sue for being misled about regulatory compliance.

4.11 Describe the civil enforcement process, including the assessment of penalties. Are all resolutions by the competent authorities public?

There is no civil enforcement process for sanctions in Australia.

4.12 Describe the appeal process. Have companies challenged penalty assessments in judicial proceedings?

The appeal process for an individual or company convicted of a sanctions offence follows the general criminal appeal process. The individual or corporation must lodge the appeal against the conviction or sentence to the relevant court within a specific timeframe.

In early 2024, the ASO's *indicative* assessment (without a financial penalty) was challenged in the Federal Court of Australia in the case of *Tigers Realm Coal Limited v Commonwealth of Australia* [2024] FCA 340. The applicant challenged DFAT's assessment that its operations were likely prohibited under regulation 4A of the Sanctions Regulations. The company was unsuccessful and its appeal was dismissed in November 2024.

4.13 Are criminal and civil enforcement only at the national level? Is there parallel state or local enforcement?

Yes. Australian sanctions laws and offences are legislated at a national level and are therefore only enforced at that level.

4.14 What is the statute of limitations for economic sanctions violations?

There is no statute of limitations for economic sanctions violations.

5 General

5.1 If not outlined above, what additional economic sanctions-related measures are proposed or under consideration?

The Australian government is currently not considering the implementation of new economic sanctions regimes.

5.2 Please provide information for how to obtain relevant economic sanctions laws, regulations, administrative actions, and guidance from the Internet. Are the materials publicly available in English?

General material is available at:

- DFAT's website – 'Australia and sanctions'.¹⁶
- DFAT's Consolidated List.¹⁷
- ASO guidance and advisory notices, the Sanctions Compliance Toolkit, and the Sanctions Risk Assessment Tool.¹⁸

Country-specific and thematic sanctions frameworks are available on DFAT's website.¹⁹

Legislative instruments include:

- The *Charter of the United Nations Act 1945*.²⁰
- The *Autonomous Sanctions Act 2011*.²¹
- The *Autonomous Sanctions Regulations 2011*.²²
- The *Criminal Code Act 1995*.²³
- The *Customs (Prohibited Exports) Regulations 1958*.²⁴
- The *Customs (Prohibited Imports) Regulations 1956*.²⁵

Endnotes

- 1 Sanctions Act, section 4 (definition of 'autonomous sanction').
- 2 Australian government, DFAT, <https://www.dfat.gov.au/international-relations/security/sanctions/about-sanctions#aims>
- 3 Australian Parliament, Quick Guide 2022–23, 'Australian sanctions law: a quick guide' (24 August 2022), https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/Quick_Guides/2022-23/AustralianSanctionsLaw
- 4 Australian government, DFAT, <https://www.dfat.gov.au/international-relations/security/sanctions/guidance-note>
- 5 Australian government, Defence, <https://www.defence.gov.au/defence-activities/operations/indo-pacific-operations/argos>
- 6 AUSTRAC, <https://www.austrac.gov.au/austrac-responds-russian-sanctions-dedicated-team-and-fiu-working-group>
- 7 AUSTRAC, <https://www.austrac.gov.au/austracs-response-israelgaza-conflict>
- 8 Australian government, DFAT, <https://www.dfat.gov.au/news/7-persons-and-4-entities-listed-under-autonomous-sanctions-regulations-2011-iran>
- 9 Australian Government, Minister for Foreign Affairs, <https://www.foreignminister.gov.au/minister/penny-wong/media-release/joint-statement-human-rights-sanctions-response-escalating-settler-violence-west-bank>
- 10 Australian government, Minister for Foreign Affairs, <https://www.foreignminister.gov.au/minister/penny-wong/media-release/further-human-rights-sanctions-response-escalating-settler-violence-west-bank>
- 11 Australian government, Minister for Foreign Affairs, <https://www.foreignminister.gov.au/minister/penny-wong/media-release/further-sanctions-hamas-and-palestinian-islamic-jihad>
- 12 Australian government, DFAT, <https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/haiti-sanctions-framework>
- 13 Australian government, DFAT, <https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/afghanistan-sanctions-framework>
- 14 Sanctions Regulations, regulations 6 and 19; Migration Regulations 1994 (Cth), regulation 2.43(1)(aa) and the Public Interest Criterion 4003(c).
- 15 <https://www.dfat.gov.au/international-relations/security/sanctions/consolidated-list>
- 16 <https://www.dfat.gov.au>
- 17 <https://www.dfat.gov.au/international-relations/security/sanctions/consolidated-list>
- 18 <https://www.dfat.gov.au/international-relations/security/sanctions/guidance-note>
- 19 <https://www.dfat.gov.au/international-relations/security/sanctions>
- 20 <https://www.legislation.gov.au/C1945A00032/latest/text>
- 21 <https://www.legislation.gov.au/C2011A00038/latest/text>
- 22 <https://www.legislation.gov.au/F2011L02673/latest/text>
- 23 <https://www.legislation.gov.au/C2004A04868/latest/text>
- 24 <https://www.legislation.gov.au/Series/F1996B03403>
- 25 <https://www.legislation.gov.au/F1996B03651/latest/text>



Dennis Miralis is a leading Australian defence lawyer who specialises in international criminal law, with a focus on complex multijurisdictional regulatory investigations and prosecutions.

His areas of expertise include bribery and corruption, global tax investigations, proceeds of crime, anti-money laundering, worldwide freezing orders, cybercrime, national security law, INTERPOL Red Notices, extradition and mutual legal assistance law.

Dennis advises individuals and companies under investigation for economic crimes both locally and internationally. He has extensive experience in dealing with all major Australian and international investigative agencies.

Nyman Gibson Miralis

Level 9, 299 Elizabeth Street
Sydney, NSW 2000
Australia

Tel: +61 2 9264 8884

Email: dm@ngm.com.au

LinkedIn: www.linkedin.com/in/dennis-miralis-criminal-lawyer



Jack Dennis is a senior criminal defence lawyer who practises in international and domestic criminal, corporate and tax law at Nyman Gibson Miralis. His international criminal work includes transnational criminal and regulatory investigations, liaising with foreign legal and regulatory bodies, as well as advising clients on matters concerning international public law.

Domestically, Jack has advised on a range of criminal issues and investigations, including white-collar crime, fraud, sanctions, INTERPOL, extraditions and national security. He also has significant international, corporate and tax experience, having advised on cross-border transactions and disputes involving foreign and domestic corporations and individuals, across the software, financial services, and crypto industries.

Nyman Gibson Miralis

Level 9, 299 Elizabeth Street
Sydney, NSW 2000
Australia

Tel: +61 2 9264 8884

Email: jd@ngm.com.au

LinkedIn: www.linkedin.com/in/jack-jon-dennis



Richard Boesel is a defence lawyer in the white-collar crime team. He has wide experience across all stages of extradition, INTERPOL, and taxation matters. Richard has a keen eye for detail and is dedicated to ensuring the best possible outcome for clients. He has completed a Bachelor of Psychology and Bachelor of Laws (Honours) at Macquarie University.

Nyman Gibson Miralis

Level 9, 299 Elizabeth Street
Sydney, NSW 2000
Australia

Tel: +61 2 9264 8884

Email: rtb@ngm.com.au

LinkedIn: www.linkedin.com/in/richard-boesel-6531ab254

Nyman Gibson Miralis is an international, award-winning criminal defence law firm based in Sydney, Australia. For over 60 years, it has been leading the market in all aspects of general, complex and international crime, and is widely recognised for its involvement in some of Australia's most significant criminal cases.

Our international law practice focuses on white-collar and corporate crime, transnational financial crime, bribery and corruption, international money laundering, cybercrime, international asset freezing or forfeiture, extradition and mutual assistance law.

Nyman Gibson Miralis strategically advises and appears in matters where transnational cross-border investigations and prosecutions are being conducted in parallel jurisdictions, involving some of the largest law enforcement agencies and financial regulators worldwide.

Working with international partners, we have advised and acted in investigations involving the British Virgin Islands, Cambodia, Canada, China, the EU, Hong Kong, Macao, Mexico, New Zealand, Russia, Singapore, South Africa, South Korea, Taiwan, the UK, the USA, and Vietnam.

www.ngm.com.au

ngm
NYMAN
GIBSON
MIRALIS
Defence Lawyers and Advisors est. 1966



The **International Comparative Legal Guides** (ICLG) series brings key cross-border insights to legal practitioners worldwide, covering 59 practice areas.

Sanctions 2027 features four expert analysis chapters and 12 Q&A jurisdiction chapters covering key issues, including:

- Legal Basis
- Sanctions Authorities
- Implementation of Sanctions Laws
- Regulations
- Enforcement