



The Guide to Sanctions - Seventh Edition

**Overview of sanctions regimes in
Australia**

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In a continuing unsettled geopolitical landscape, sanctions are often the go-to response by many states and are being applied in ever more innovative ways. This naturally creates a host of issues from the perspective of international businesses – and the practitioners who advise them.

Edited by Rachel Barnes of Three Raymond Buildings, Anna Bradshaw of Peters and Peters, Paul Feldberg of Morgan Lewis, David Mortlock of Willkie Farr & Gallagher, Anahita Thoms of Baker & McKenzie and Wendy Wysong of Steptoe, the seventh edition of ***The Guide to Sanctions*** is an invaluable resource that dissects the topic in a practical fashion from every stakeholder's perspective.

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Overview of sanctions regimes in Australia

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AUSTRALIA'S 2025–2026 SANCTIONS FOCUS

Australia maintains two parallel sanctions regimes: those implementing decisions of the United Nations Security Council (UNSC) and those imposed autonomously by the Australian government. The latter are principally governed by the Autonomous Sanctions Act 2011 (Cth) (the Sanctions Act) and the Autonomous Sanctions Regulations 2011 (Cth) (the Sanctions Regulations).^[1]

The autonomous sanctions framework was introduced in 2011 to consolidate previously fragmented sanctions measures contained across multiple Commonwealth statutes.^[2] It was designed to operate alongside Australia's obligations under the Charter of the United Nations Act 1945 (Cth) (COTUNA), to ensure an alignment between domestic and international sanctions regimes.

Under Section 4 of the Sanctions Act, an "autonomous sanction" is defined as a measure that:

1. is intended to influence, directly or indirectly, one or more of the following in accordance with Australian Government policy:
 1. a foreign government entity;
 2. a member of a foreign government entity;
 3. another person or entity outside Australia; or
2. involves the prohibition of conduct in or connected with Australia that facilitates, directly or indirectly, the engagement by a person or entity described in subparagraph (a)(i), (ii) or (iii) in action outside Australia that is contrary to Australian Government policy.

SANCTIONS FRAMEWORK

The Australian sanctions regime is deliberately structured to provide both flexibility and responsiveness in addressing evolving international developments. The Australian sanctions framework operates through three key components to facilitate the implementation of sanctions measures. In general terms, the dual frameworks operate as follows.

First, the primary legislation, being the Sanctions Act and COTUNA, establishes the overarching structure of the regime. For example, the Sanctions Act sets out the core provisions governing the framework, including the power to impose sanctions through regulations as well as provisions dealing with offences, enforcement mechanisms and information-gathering powers.^[3]

Section 10 of the Sanctions Act, for example, authorises regulations that impose a range of prohibitions, including the designation of particular persons or entities, restrictions on the use of or dealings with assets (including prohibiting the provision of assets), limitations on the supply, sale or transfer of goods or services, and controls on the procurement of goods or services.^[4]

In practical terms, the main types of sanctions employed by Australia are:

- the listing of particular individuals or entities for financial sanctions, including measures such as freezing assets and prohibiting others from making assets available to them;^[5]
- the imposition of travel restrictions on designated persons, barring their entry into or transit through Australia;^[6]
- limitations on trade and procurement, including bans on the export or import of specified goods and services;^[7]
- controls on commercial dealings;^[8] and
- the designation of certain ships as sanctioned vessels, with consequences including denial of access to Australian ports.^[9]

Second, the Sanctions Regulations set out the substantive and procedural details underpinning the sanctions regime. They prescribe the types of conduct that amount to sanctioned activities in relation to specific countries and thematic programmes.

Relevantly, the types of conduct captured by the Sanctions Regulations include:

- the proliferation of weapons of mass destruction;
- significant cyber incidents;
- serious violations or abuses of human rights (this is confined to core rights such as the right to life, freedom from torture, or cruel, inhuman or degrading treatment or punishment, and freedom from slavery, servitude, or forced or compulsory labour); and
- serious corruption.^[10]

Third, the legislative instruments set out the listed persons and entities captured by the provisions or further define goods and services that may be prohibited.^[11] The Consolidated List is a tool published by the Australian Sanctions Office (ASO), which is regularly updated to summarise the instruments in effect. This Consolidated List records identifying details of individuals and entities subject to sanctions, including their names (and known aliases), dates and places of birth, and citizenship, and addresses as designated either by the UNSC or by Australia's Minister for Foreign Affairs (Foreign Minister) under the autonomous sanction's regime.^[12]

Sanctions may operate concurrently under different regimes and can be imposed simultaneously. Presently, Australia maintains autonomous sanctions in relation to eight countries (or specific regions within them) and one former state, the Former Federal Republic of Yugoslavia. Among these, the Democratic People's Republic of Korea, Iran, Libya, South Sudan and Syria are also subject to sanctions imposed by the UNSC.^[13]

REGULATION AND ENFORCEMENT

The administration of Australia's autonomous sanctions framework is carried out by the Department of Foreign Affairs and Trade (DFAT) through the ASO.^[14] The ASO was established on 1 January 2020 and was positioned within DFAT's Regulatory Legal Division in the Security, Legal and Consular Group.^[15]

As Australia's central sanctions regulator, the ASO is responsible for overseeing the operation of the regime. In this capacity, it undertakes several functions to support individuals and entities in understanding Australia's sanctions regime. These include:

- issuing guidance and explanatory materials to assist the public in understanding Australian sanctions laws;
- assessing permit applications and advising the Foreign Minister on whether authorisations should be granted;
- engaging with individuals and organisations to encourage compliance and reduce the risk of breaches;
- collaborating with other government bodies to oversee and monitor adherence to sanctions legislation; and
- assisting law enforcement authorities in facilitating corrective measures and enforcement action where potential non-compliance is identified.^[16]

To promote compliance with sanctions laws and address potential breaches, the ASO coordinates with a range of domestic agencies, including the Department of Defence, the Australian Transaction Reports and Analysis Centre (AUSTRAC), the Department of Home Affairs, the Australian Border Force and the Australian Federal Police.^[17]

Where contraventions arise, criminal proceedings can be instituted by the Commonwealth Director of Public Prosecutions (CDPP). Notably, the Australian sanctions framework is exclusively criminal in nature.

OFFENCES

The Sanctions Act establishes that a breach of a sanctions law constitutes a criminal offence and prescribes the applicable penalties. The offence framework is set out in Part 3 of the Sanctions Act, while Part 3 of the Sanctions Regulations identifies the specific forms of conduct that may amount to a contravention.

In addition, Sections 6(1) and 6(2) of the Sanctions Act permit the Foreign Minister to designate provisions of Commonwealth legislation as "sanction laws".^[18] Australian sanctions laws operate with extraterritorial effect.^[19] They apply not only to conduct occurring within Australia but also to certain conduct undertaken overseas (eg, by Australian citizens or Australian-registered companies) (see further below, in "Scope of sanctions").^[20]

Offences for contravention of a sanctions law can result in imprisonment or fines (or both):

- For individuals: Up to 10 years' imprisonment or fines equal to the greater of 2,500 penalty units (being A\$825,000) or three times the value of a transaction.^[21]
- For bodies corporate: Substantial fines equal to the greater of 10,000 penalty units (being A\$3.3 million) or three times the value of the transaction.^[22]

Relevantly, in the case of corporations, liability will not arise if the entity can demonstrate that it took reasonable precautions and exercised due diligence to prevent the contravention.^[23] However, in the absence of such a defence, corporate liability is otherwise imposed on a strict liability basis.^[24]

ENFORCEMENT: COLLABORATION OVER PUNISHMENT

Despite severe penalties, enforcement activity has historically been limited. During the past five years, there have been no significant criminal prosecutions for sanctions breaches. The only publicly reported enforcement action remains the prosecution of Chan Han Choi, who attempted to broker a sale of North Korean missile parts, coal and iron in contravention of Australian and United Nations sanctions. According to the CDP's "Annual Report 2024–25", they did not deal with any defendants referred to them by the ASO,^[25] nor any offences under the principal sanctions statutes.^[26]

One explanation for Australia's seemingly low enforcement position lies in the regulatory posture adopted by the ASO, which has emphasised a cooperative and preventative approach to compliance.^[27] In administering and enforcing sanctions law, the ASO works with businesses and individuals to reduce the risk of contraventions and to address potential breaches before they crystallise into enforcement action.^[28]

In this context, regulated entities are encouraged to undertake comprehensive due diligence, including screening against the ASO Consolidated List of designated persons and entities, while recognising that such screening is not determinative. Entities are also expected to implement appropriate compliance frameworks and governance policies, obtain legal advice prior to and during relevant business activities, and proactively engage with the ASO where uncertainty arises.^[29]

This regulatory approach is illustrated by *Tigers Realm Coal Limited v Commonwealth of Australia*.^[30] The case concerned a company listed on the Australian Securities Exchange that was involved in the mining and export of Russian coal, which became the subject of sanctions following the designation of coal as a restricted good.^[31] Notably, the company engaged in sustained regulatory dialogue over an extended period, participating in multiple meetings, discussions and correspondences with the ASO between August 2022 and May 2023.^[32] This nine-month engagement was directed towards clarifying the permissibility of its operations under the evolving sanctions framework. By May 2023, the regulator indicated the activities were "likely to be prohibited by, or subject to authorisation under" the relevant framework.^[33]

What is significant is not merely the finding of a potential breach but also the regulatory pathway that preceded it. This "likely" finding, rather than definitive finding, is a hallmark of the ASO's compliance approach. Further, the ASO engaged with the entity for nine months through ongoing discussions, providing guidance and clarifying the application of the sanctions regime to its operations. This engagement reflects a more cooperative model where regulatory dialogue is used as a tool to resolve uncertainty and steer entities towards compliance.

While the company ultimately continued its operations and pursued legal means to challenge the ASO's assessment, the sequence of events demonstrates that the ASO's approach is not immediately enforcement-driven.^[34] Rather, it prioritises early engagement, clarification and guidance. Its initial port of call is not penalties but collaboration. As of 1 March 2026, the entity had been delisted and its assets sold.^[35]

SCOPE OF SANCTIONS

The scope of persons and activities subject to sanctions obligations is determined by the particular regulations governing each sanctions regime. As a general rule, Australian sanctions laws operate with extraterritorial reach and apply to conduct:

- occurring wholly or partly in Australia; or
- occurring on board an Australian-registered aircraft or vessel;
- by a body corporate incorporated by or under a law of the commonwealth or of a state or territory.^[36]

Against the legislative backdrop, Australia continues to utilise its sanctions framework in a proactive and targeted manner. This is reflected in recent measures, which include the establishment of the world's first autonomous sanctions framework for Afghanistan, sanctions against Iran and the designation of Russian cybercrime service providers for malicious cyberactivity.

ALUMINA DECISION: EXPANSIVE REACH OF SANCTIONS OBLIGATIONS

The rapid expansion and increasing complexity of these measures have exposed a recurring challenge within the regime – namely the lack of clarity surrounding the scope of targeted financial sanctions, particularly in relation to indirect dealings. This was explored by the Federal Court in *Alumina and Bauxite Company Ltd & Ors v Queensland Alumina Ltd & Ors (Alumina)*.^[37]

The case arose in the context of contractual supply arrangements and concerned whether the suppliers were entitled to rely on *force majeure* clauses to terminate those arrangements in light of sanctions imposed by Australia concerning Russia. While the contractual dispute formed the immediate backdrop, the case ultimately turned on the interpretation of key provisions within the Sanctions Regulations.

Relevantly, Regulations 12 and 14 of the Sanctions Regulations prohibit certain dealings where a designated person or country receives a benefit as a “direct or indirect” consequence of the supply of goods or services. Prior to *Alumina*, there was no meaningful statutory or regulatory guidance as to how this phrase should be interpreted. This created significant uncertainty for entities engaged in complex commercial arrangements, particularly where supply chains involve multiple intermediaries across jurisdictions.

In *Alumina*, the Federal Court adopted a broad interpretation of the phrase “direct or indirect”. The Court held that liability may arise not only where a benefit is conferred immediately on a designated person or country, but also where the supply ultimately results in such a benefit, regardless of the number of intervening steps in the chain of transactions.^[38] This interpretation significantly expands the potential reach of the sanctions regime.

Of particular significance was the Court’s acknowledgment that a transaction may be lawful at the time it is entered into, yet subsequently become prohibited as a result of events occurring after the supply has been made, including where the supplier lacks visibility as to the ultimate destination or end use of the goods.^[39] Simply put, the characterisation of a transaction as a “sanctioned supply” may depend not only on the circumstances at the time of the dealing but also on subsequent developments that are outside the immediate control of the supplier.

The breadth of this interpretation introduces a degree of practical difficulty for suppliers. It effectively requires entities to consider not only the immediate recipient of goods or services but also the possibility that those goods or services may, at some point in the future, confer a benefit on a designated person or country. In complex supply chains, particularly those

involving multiple jurisdictions or intermediaries, this may be difficult to anticipate with certainty.

Despite the complexities, Australia's legislative frameworks contain mechanisms that mitigate the potential harshness of this approach. First, the availability of ministerial permits provides a pathway for entities to lawfully engage in conduct that would otherwise contravene sanctions laws.^[40] Second, corporate entities may rely on a statutory defence where they can demonstrate that reasonable precautions were taken and due diligence was exercised to prevent a contravention.^[41] Third, individuals may, in appropriate circumstances, rely on mistake of fact principles where they have been misled as to a relevant matter, such as the identity of the ultimate end user.^[42]

Although there are these safeguards, it is nonetheless acknowledged that the *Alumina* decision leaves a degree of residual uncertainty. The absence of clear boundaries as to when an indirect benefit will be sufficient to trigger liability means that entities remain exposed to potential enforcement actions in circumstances that may not have been foreseeable at the time of the transaction. This places considerable weight on the role of the regulator, particularly the ASO, in determining how the law will be applied in practice.

The implications of *Alumina* extend beyond questions of criminal liability. The decision also has significant consequences for contractual risk allocation. Parties engaged in international trade must now consider the possibility that the performance of a contract may become unlawful after it has commenced even where there was no initial breach of sanctions laws. This reinforces the importance of carefully drafted *force majeure* clauses and other contractual protections that are capable of responding to changes in the legal and regulatory environment.^[43]

In practical terms, entities subject to Australian sanctions laws will need to adopt a cautious and proactive approach to compliance. This includes implementing robust due diligence processes, maintaining effective compliance and governance frameworks, and regularly reviewing business operations to identify potential exposure to sanctions risk. Where uncertainty arises, consideration should be given to seeking legal advice and, if appropriate, applying for a ministerial permit.

Ultimately, *Alumina* serves as a clear indication of the expansive reach of Australia's sanctions regime. It highlights the need for entities to look beyond the immediate structure of their transactions and to consider the broader and potentially evolving consequences of their commercial activities.

MINISTERIAL POWERS

Against the backdrop of *Alumina*, it is necessary to consider the mechanisms within the legislative framework that operate to mitigate the rigidity of sanctions prohibitions. Central to this is the system of ministerial powers, encompassing both the imposition of sanctions measures and the granting of authorisations permitting conduct that would otherwise be prohibited.

POWER TO IMPOSE SANCTION MEASURES

The Foreign Minister is responsible for the imposition of sanctions, allowing for the Australian government to respond quickly to global situations. The aim of this power is to foster a flexible and responsive regime.

This power is also not unfettered. Under Section 10(4) of the Sanctions Act, the Foreign Minister must consult with the Attorney General and obtain their agreement in writing and consult with any other relevant ministers before any measures may be implemented.

POWER TO GRANT PERMITS

The regime provides flexibility through its ability to provide for permits in certain instances. Under paragraphs (2) and (3) of Sanctions Regulation 18, the Foreign Minister may grant a permit authorising conduct that would otherwise contravene a sanctions law, either upon application or on the Minister's own initiative, where satisfied that doing so is in the national interest. The concept of "national interest" is not defined, leaving broad discretion to the Minister. It is likely to encompass considerations of the objectives of the relevant sanctions regime, Australia's economic and security interests, and broader foreign policy considerations.

Where a permit is sought, Sanctions Regulation 20 requires the Foreign Minister to be satisfied that the relevant activity falls within recognised categories of permissible dealings. These include:

- basic expense dealings, being transactions necessary to meet essential expenses;^[44]
- legally required dealings, being transactions necessary to satisfy pre-existing judicial or arbitral obligations;^[45] and
- contractual dealings, being transactions arising under agreements entered into prior to the imposition of sanctions.^[46]

Guidance issued by DFAT requires applicants to identify with specificity the anticipated contravention to which the application relates.^[47] The ASO expects applications for sanctions permits to contain "sufficient detail of a specific contravention to which the application relates" and advises that sanctions permits "are generally appropriate only where there is a clear likelihood" that a contravention would otherwise occur.^[48] In practice, this means businesses cannot apply for a permit just in case a breach occurs but, rather, must identify a "clear likelihood" notwithstanding the indirect scope of Australian sanctions.

REPORTING OBLIGATIONS

Australian sanctions law does not impose ongoing or periodic reporting obligations on entities. Rather, the framework relies on self-reporting obligations and the exercise of information-gathering powers by government authorities to ensure oversight and accountability. The ASO is vested with statutory information-gathering powers under Section 19 of the Sanctions Act to monitor compliance with sanctions laws. These powers enable authorities to compel the production of documents and information where necessary.^[49]

RECORD-KEEPING OBLIGATIONS

Record-keeping obligations arise primarily in connection with the sanctions permit regime. Persons who apply for a permit are required to retain all records and documents relating to that application for a period of five years, regardless of whether the application is granted or refused.^[50] Where a permit is granted, the retention period runs from the date of grant; where refused, from the date of application.^[51]

DELISTING AND CHALLENGES TO DESIGNATION

A designation may be challenged in two principal ways: by seeking revocation of the listing through administrative processes or by commencing judicial review proceedings.

ADMINISTRATIVE PROCESS: REQUEST FOR REVOCATION

The appropriate administrative process for seeking delisting depends on whether the designation was imposed under the autonomous sanctions framework or the UNSC framework, as well as the basis on which the designation is challenged.^[52]

For listings made pursuant to UNSC regimes, the process varies. Requests relating to general UNSC listings are typically directed to the United Nations Focal Point for De-listing or submitted through the applicant's state of citizenship or residence. Listings associated with ISIL (Da'esh) and Al-Qaida are reviewed through the Office of the Ombudsperson. By contrast, requests relating to counter-terrorism listings under UNSC Resolution 1373 are made to DFAT.

In the context of Australia's autonomous sanctions regime, applications for revocation are made directly to DFAT. Once such a request has been determined, the Foreign Minister is not required to consider a further application by or on behalf of the same person or entity for a period of 12 months.^[53]

JUDICIAL REVIEW

A designation decision may be alternatively challenged through judicial review. Such proceedings are governed by general principles of administrative law and may be brought where there is jurisdictional error, procedural unfairness or other reviewable error in the decision-making process. The availability and scope of review will depend on the circumstances of the case and the statutory framework under which the designation was made.

Recent decisions of the Federal Court illustrate both the availability and limits of such a review within Australia's sanctions regime. In *Alexander Abramov v Minister for Foreign Affairs (No.2)*,^[54] the applicant, who had been designated because of his alleged involvement in activities of economic or strategic significance to Russia, successfully challenged his initial listing.

The Court held that the Foreign Minister's decision was affected by jurisdictional error, specifically because there was "a constructive failure to exercise jurisdiction".^[55] Simply put, the Minister did not adequately engage with whether the available material could support the requisite state of satisfaction that Mr Abramov was, or had been, engaged in relevant activities.

However, a subsequent redesignation was upheld, with the Court confirming that the Foreign Minister may validly designate a person based on past conduct, provided the relevant activity remains of economic or strategic significance to the designated country, in this case Russia.^[56] The Court further emphasised that the formation of the requisite state of satisfaction is a matter for the Minister, subject to the "requirement to do so in conformity with the standard of legal reasonableness".^[57]

Similarly, in *Deripaska v Minister for Foreign Affairs (Deripaska)*, the Federal Court rejected a challenge to a designation decision, holding that there was no failure by the Foreign Minister to understand or exercise her statutory discretion.^[58] The Court accepted that the Minister's

reasoning could be inferred from the materials before her and reiterated that the Explanatory Statement does not constitute a statement of reasons.

The significance of these decisions prompted legislative clarification. On 24 February 2024, the Australian government introduced the Autonomous Sanctions Amendment Bill 2024 (Cth), which was enacted on 8 April 2024.^[59] The amendments confirm that persons may be validly designated based on past conduct or status.^[60] The Bill also validates prior designations and clarifies that a designation is not invalid merely because the Foreign Minister did not explicitly consider whether to exercise discretion.^[61]

Taken together, these developments demonstrate that although judicial review remains an important safeguard, its practical utility in the sanctions context is constrained to reviewing the legality of the decision-making process, rather than reassessing the substantive merits of a designation.

No designation challenges have been judicially considered since *Deripaska*.

REMEDIES

The primary remedy in a successful challenge is the removal of the designation. Delisting has the effect of lifting associated sanctions measures, including asset freezes and restrictions on dealings. There is no express statutory right to compensation for losses arising from an incorrect or unlawful designation. However, in principle, compensation may be available in limited circumstances, such as where the designation is shown to have been made maliciously or in bad faith. This issue remains largely untested in the Australian context.

AUSTRALIA'S 2025–2026 SANCTIONS FOCUS

There are three notable observations from Australia's recent use of sanctions.

First, Australia established the world's first autonomous sanctions country-specific framework for Afghanistan in December 2025.^[62] This framework enables the Foreign Minister to directly impose Australia's own sanctions and travel bans, rather than only following the UNSC's Taliban framework. In listing the individuals under this framework, the Minister announced it was for their involvement "to increase pressure on the Taliban, targeting the oppression of the Afghan people, particularly women and girls, as well as actions that undermine the rule of law and good governance in Afghanistan".^[63]

Importantly, in Australia being the first country to establish a sanctions framework for Afghanistan separate from the UNSC's measures, it marks an independence atypical of Australian sanctions. Yet this independence is fostered while still remaining in tandem with the international community as the UNSC sanctions are still implemented dutifully.

For example (albeit a different country regime), Australia imposed counter-terrorism financing sanctions on the Balochistan Liberation Army and three senior leaders in line with the UNSC's own sanctions.^[64] Although it is standard for Australia's sanctions to not entirely mimic those of its allies, there are few instances where Australia goes out on its own. Ultimately, this signals Australia's recognition that the UNSC's sanctions do not go as far as Australia's foreign policy interests require.

Second, Australia continues to utilise its thematic framework, particularly the cyber sanctions. Distinct from the country-specific regime, this falls within the Magnitsky-style measures that focus on themes such as human rights abuses.^[65] In November 2025, the Australian government, in partnership with the United Kingdom and the United States,

imposed financial sanctions and travel bans on two Russian entities and their key personnel who enabled cyberattacks across the globe.^[66] This is the fifth time Australia has activated its autonomous cyber sanctions framework against a digital threat.

Finally, Australia continues to impose sanctions in relation to at least two ongoing situations. The first is against Iran. In February 2026, the government imposed additional targeted financial sanctions and travel bans on 20 individuals and three entities linked to Iran's security apparatus, including several who were associated with the Islamic Revolutionary Guard Corps (IRGC), for their role in repressing civilian demonstrations.^[67] These sanctions form a part of the broader architecture, with Australia sanctioning over 200 Iranians and more than 100 IRGC-linked individuals and entities.^[68]

The second is the Russia-Ukraine situation. Australia imposed sanctions under this country-specific regime against individuals on 3 September 2025^[69] and against vessels on 18 September 2025.^[70] The latter involved targeted sanctions being imposed on a further 95 "shadow fleet" vessels, joining the 60 vessels designated in June 2025 and also the lowering of the Russian Oil Price Cap.^[71]

Notably, there has been a marked absence of any new sanctions in relation to the situation in Gaza. Despite formally recognising the State of Palestine on 21 September 2025,^[72] the Australian government has not imposed any sanctions in relation to the conflict since 25 July 2024.^[73] The abrupt and ongoing stop in using sanctions in this conflict could be for a number of reasons, including the volatility of the diplomatic situation, a shift in Australia's foreign policy interests or an assessment of their effectiveness.

Overall, the international order has had significant developments in the past 12 months, calling into question the rules of country-to-country engagement. Sanctions remain a tool used by many states to communicate and pursue their foreign policy and interests. However, as Australia seems to question the effectiveness of sanctions as a response to certain scenarios, it is simultaneously establishing a sense of independence in responding to others.

ENDNOTES

^[1] Autonomous Sanctions Act 2011 (Cth) (Sanctions Act); Autonomous Sanctions Regulations 2011 (Cth) (Sanctions Regulations).

^[2] Customs Act 1901 (Cth); Migration Act 1958 (Cth); Banking (Foreign Exchange) Regulations 1959 (Cth) (as in force prior to the introduction of the autonomous sanctions framework); Department of Foreign Affairs and Trade (DFAT), Issues Paper: "Review of Australia's Autonomous Sanctions Framework", 8, <https://www.dfat.gov.au/sites/default/files/issues-paper-review-of-australias-autonomous-sanctions-framework.pdf>.

^[3] Sanctions Act; see also Division 1 and Division 2 under Part 2 of the Act.

^[4] *id.*, Section 10(1), items (a) to (f).

^[5] DFAT, Australia and sanctions, "About sanctions", <https://www.dfat.gov.au/international-relations/security/sanctions/about-sanctions>.

^[6] *ibid.*

^[7] DFAT, Australian Sanctions Office, “Sanctions Compliance Toolkit” (20 January 2026), <https://www.dfat.gov.au/international-relations/security/sanctions/guidance/sanctions-compliance-toolkit>.

^[8] DFAT, “About sanctions”, *supra* note 5.

^[9] Australian Maritime Safety Authority, Marine Notices, “2025/27 - Sanctions” (15 December 2025), <https://www.amsa.gov.au/about/regulation-standards/202507-sanctions>.

^[10] Sanctions Regulations, Regulation 6A.

^[11] DFAT, Consolidated List (data set), https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.dfat.gov.au%2Fsites%2Fdefault%2Ffiles%2FAustralian_Sanctions_Consolidated_List.xls&wdOrigin=BROWSELINK.

^[12] DFAT, Australia and sanctions, “Consolidated list”, <https://www.dfat.gov.au/international-relations/security/sanctions/consolidated-list>.

^[13] DFAT, Australia and sanctions, “Sanctions regimes currently implemented under Australian sanctions law”, <https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes-currently-implemented-under-australian-sanction-law>.

^[14] DFAT, Australia and sanctions, <https://www.dfat.gov.au/international-relations/security/sanctions>.

^[15] DFAT, Australia and sanctions, “Who We Are”, <https://www.dfat.gov.au/international-relations/security/sanctions/who-we-are>.

^[16] *ibid.*

^[17] *ibid.*

^[18] See Autonomous Sanctions (Sanction Law) Declaration 2012 (Cth).

^[19] Sanctions Act, Section 11; Sanctions Regulations, Regulations 12 to 16 (which give effect to the power conferred by Section 11 and extend to conduct outside Australia).

^[20] *ibid.*; see also Criminal Code Act 1995 (Cth), Section 15.1.

^[21] Sanctions Act, Section 16(4).

^[22] *id.*, Section 16(9).

^[23] *id.*, Section 16(7).

^[24] *id.*, Section 16(8).

^[25] Commonwealth Director of Public Prosecutions, “Annual Report 2024–25”, 68, [CDPP Report](https://www.cdpp.gov.au/sites/default/files/Office_of_the_Director_of_Public_Prosecutions_%28Cth%29_Annual_Report_2024-25_0.pdf)https://www.cdpp.gov.au/sites/default/files/Office_of_the_Director_of_Public_Prosecutions_%28Cth%29_Annual_Report_2024-25_0.pdf.

^[26] *id.*, 69–70.

- [27] DFAT, Sanctions: “Compliance Policy”, <https://www.dfat.gov.au/international-relations/security/sanctions/compliance-policy>.
- [28] *ibid.* (“The ASO takes a graduated risk-based approach to compliance.”)
- [29] *ibid.*
- [30] [2024] FCA 340.
- [31] *id.*, [2]–[3].
- [32] *id.*, [3]–[4].
- [33] *id.*, [2]–[3].
- [34] *id.*, [72]–[78].
- [35] Australian Securities Exchange, “Delisted entities”, <https://www.asx.com.au/listings/listing-considerations/guides-rules-and-re-sources/delisted-entities>.
- [36] Criminal Code Act 1995 (Cth), Section 15.1.
- [37] [2024] FCA 43.
- [38] *id.*, [228], [233], [236]–[237], [261]–[263].
- [39] *id.*, [143], [129]–[147].
- [40] *id.*, [213].
- [41] *id.*, [196], [224], [226], [373].
- [42] *id.*, [196], [224].
- [43] *id.*, [356].
- [44] Sanctions Regulations, Regulation 20(3).
- [45] *id.*, Regulation 20(4).
- [46] *id.*, Regulation 20(5).
- [47] DFAT, Australia and sanctions, “Apply for a sanctions permit”, <https://www.dfat.gov.au/international-relations/security/sanctions/apply-sanctions-permits>.
- [48] *ibid.*
- [49] Sanctions Act, Section 19.
- [50] Sanctions Regulations, Regulation 26.
- [51] *ibid.*
- [52] DFAT, Australia and sanctions, “Delistings and travel ban exemptions”, <https://www.dfat.gov.au/international-relations/security/sanctions/consolidated-list/delistings-travel-ban-exemptions>.
- [53] Sanctions Regulations, Regulation 11(3).

[54] [2023] FCA 1099.

[55] [2023] FCA 1099 [111].

[56] *id.*, [70], [74], [336].

[57] *id.*, [74].

[58] [2024] FCA 62 [143].

[59] See Autonomous Sanctions Amendment Bill 2024 (Cth), https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7150.

[60] *ibid.*; Sanctions Act, Section 10A.

[61] See Explanatory Memorandum, Autonomous Sanctions Amendment Bill 2024 (Cth) (available via https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r7150).

[62] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "World-first Afghanistan autonomous sanctions framework and sanctions on Taliban 'ministers'" (6 December 2025), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/world-first-afghanistan-autonomous-sanctions-framework-and-sanctions-taliban-ministers>.

[63] *ibid.*

[64] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "New counter-terrorism financing sanctions" (8 May 2026), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/new-counter-terrorism-financing-sanctions-0>.

[65] For an explanation, see https://www.aph.gov.au/About_Parliament/Parliamentary_departments/Parliamentary_Library/Research/FlagPost/2021/August/Australia_and_Magnitsky_legislation.

[66] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "Sanctions imposed on Russian cybercrime service providers for malicious cyber activity" (20 November 2025), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/sanctions-imposed-russian-cybercrime-service-providers-malicious-cyber-activity>.

[67] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "Targeted sanctions in response to brutal repression of protests in Iran" (3 February 2026), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/targeted-sanctions-response-brutal-repression-protests-iran>.

[68] *ibid.*

[69] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "Targeted sanctions in response to repression of civil society in Russia" (3 September 2025), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/targeted-sanctions-response-repression-civil-society-russia>.

[70] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "Australia takes further action to constrain Russian oil revenue" (18 September 2025), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/australia-takes-further-action-constrain-russian-oil-revenue>.

[71] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "Australia imposes sanctions on Russian shadow fleet vessels (18 June 2025), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/australia-imposes-sanctions-russian-shadow-fleet-vessels>.

[72] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "Australia recognises the State of Palestine" (21 September 2025), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/australia-recognises-state-palestine>.

[73] Minister for Foreign Affairs, Senator the Hon. Penny Wong, Media release, "Human Rights Sanctions in response to Israeli settler violence in the West Bank" (25 July 2024), <https://www.foreignminister.gov.au/minister/penny-wong/media-release/human-rights-sanctions-response-israeli-settler-violence-west-bank>.



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