



Marine Notice 05/2021

Sanctions

The purpose of this Marine Notice is to remind those who own, operate, or are on board Australian ships, about offences under Australian sanction laws.

Australia's sanction laws

Sanction laws may, among other things, prohibit:

- the export or import of certain goods to or from certain countries, entities and individuals; and
- the provision of related services, including transport.

Offences arising under Australian sanction laws have extended geographical jurisdiction—category A status under the Criminal Code Act 1995 (the Criminal Code). This means the offences apply in a range of circumstances, including where conduct constituting an alleged offence occurs on board an Australian aircraft or an Australian ship, or by an Australian outside of Australia.

For these purposes, 'Australian ship' is defined by the Criminal Code to mean:

- A) a ship registered, or required to be registered, under the Shipping Registration Act 1981; or
- B) an unregistered ship that has Australian nationality; or
- C) a defence ship.

Australian sanction laws implement two types of sanctions regimes—United Nations Security Council (UNSC) sanctions regimes and Australian autonomous sanctions regimes.

Sanctions regimes are amended regularly. Full and current details of UNSC and Australian autonomous sanctions are available on the Department of Foreign Affairs and Trade (DFAT) website at sanctions.dfat.gov.au

United Nations Security Council sanction regimes

UNSC sanctions regimes are implemented under the Charter of the United Nations Act 1945 (UN Act) and its regulations. As a United Nations Member State, Australia is obliged to implement UNSC sanctions regimes as a matter of international law.

UNSC sanctions regimes apply to:

- ISIL (Da'esh) and Al-Qaida
- Counter-Terrorism
- the Central African Republic

- the Democratic Republic of the Congo
- Guinea-Bissau
- Iraq
- Mali
- Lebanon
- Sudan
- South Sudan
- Somalia
- the Taliban
- Yemen.

Australian autonomous sanctions regimes

Australian autonomous sanctions regimes are implemented under the Autonomous Sanctions Act 2011 (AS Act) and its regulations. Australia implements autonomous sanctions regimes as a matter of Australian foreign policy.

Australian autonomous sanctions regimes may supplement UNSC sanctions regimes or be separate from them. Australia implements autonomous sanctions regimes in relation to:

- The Former Federal Republic of Yugoslavia
- Myanmar
- Syria
- Ukraine/Russia
- Zimbabwe.

Application of both sanction regimes

Australia implements both UNSC sanctions regimes and Australian autonomous sanctions regimes in relation to:

- Iran
- the Democratic People's Republic of Korea (DPRK)
- Libya
- Syria.

Offences arising under Australian sanctions laws

Offences arising under Australian sanctions laws may apply to conduct that occurs on board an Australian ship, as well as conduct by Australians on foreign flagged vessels. It can be a criminal offence under both the UN Act and the AS Act for an individual or body corporate to:

- make a 'sanctioned supply' of 'export sanctioned goods' or a 'sanctioned import' of 'import sanctioned goods' without authorisation; or
- to provide the services of an Australian ship to assist with, or in relation to, a 'sanctioned supply' or a 'sanctioned import' without authorisation.

Punishment for individuals

As at 1 July 2020, these offences are punishable by:

- imprisonment for up to 10 years, or
- a fine of the greater of three times the value of the transaction/s, or

- 2,500 penalty units (\$555,000).

Punishment for bodies corporate

As at 1 July 2020 these offences are punishable by:

- a fine of the greater of three times the value of the transaction/s, or
- 10,000 penalty units (\$2.2 million).

For bodies corporate these are strict liability offences.

Further information

This document is explanatory only, does not have the force of law and does not in any way constitute legal advice. This document does not supplement or modify regulations made under the *Charter of the United Nations Act 1945* or the *Autonomous Sanctions Act 2011*.

The Australian Government strongly recommends that those seeking to trade overseas consider obtaining legal advice in relation to Australian sanctions laws, as well as any other relevant Australian or foreign laws.

Australian Sanctions Office

The Australian Sanctions Office (ASO) within the Department of Foreign Affairs and Trade can provide further information on specific queries relating to Australian sanctions. To contact the ASO submit an enquiry through the contact us form via the Australian Sanctions Portal at pax.dfat.gov.au

Aviation and Maritime Security Transport Security Coordination Team

The Aviation and Maritime Security Transport Security Coordination Team accepts reports relating to transport security incidents.

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