



Marine Notice 11/2017
Supersedes 14/2014

Sanctions

The purpose of this Marine Notice is to remind persons who own, operate or are on board Australian ships about offences which arise under Australian 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), which 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.

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.

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, Eritrea, Guinea-Bissau, Iraq, Lebanon, Sudan, South Sudan, Somalia, the Taliban and Yemen.

Australian autonomous sanctions regimes are implemented under the *Autonomous Sanctions Act 2011* (AS Act) and its regulations. Australia chooses to implement Australian 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 Australian autonomous sanctions regimes in relation to: The Former Federal Republic of Yugoslavia, Myanmar, Syria, Ukraine/Russia, and Zimbabwe.

Australia implements both UNSC sanctions regimes and Australian autonomous sanctions regimes in relation to: Iran, the Democratic People’s Republic of Korea (DPRK) and Libya.

Full and current details of current UNSC and Australian autonomous sanctions are available on the Department of Foreign Affairs and Trade (DFAT) website.

Offences arising under Australian sanctions laws may apply to conduct that occurs on board an Australian ship. 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.

For individuals, these offences are punishable by imprisonment for up to 10 years, or by a fine of the greater of three times the value of the transaction/s or 2,500 penalty units (\$525,000) as at 1 July 2017. For bodies corporate, these offences are punishable by a fine of the greater of three times the value of the transaction/s or 10,000 penalty units (\$2.1 million) as at 1 July 2017. For bodies corporate these are strict liability offences.

This notice is a summary of relevant information only. Sanctions regimes are amended regularly. Further information is available on the DFAT website.

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.

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*.

Further information

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DFAT can provide further information on Australian Sanctions. Please refer to <http://dfat.gov.au/international-relations/security/sanctions/Pages/sanctions.aspx>

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