



10 October 2024

Senator Claire Chandler

Chair

Senate Standing Committee on Foreign Affairs, Defence and Trade (References)

Via email: fadt.sen@aph.gov.au

Dear Senator Chandler

Inquiry into Australia's sanctions regime

I note that the Senate Standing Committee on Foreign Affairs, Defence and Trade (References) is currently inquiring into Australia's sanctions regime.

The Parliamentary Joint Committee on Human Rights (PJCHR) has examined all bills and legislative instruments relating to sanctions for compatibility with Australia's international human rights law obligations since the committee's establishment in 2012. The committee has consistently considered that sanctions imposed to address serious violations or serious abuses of human rights could help to promote human rights globally. However, the designation or declaration of a person *in Australia* under the sanctions regime may limit a range of human rights (in particular the right to a private life; right to an adequate standard of living; right to a fair hearing; protection of the family; and freedom of movement).

The committee has considered that consideration should be given to the following measures (several of which have been implemented in relation to a comparable regime in the United Kingdom) to improve the compatibility of the sanctions regimes with human rights:

- the provision of publicly available guidance in legislation setting out in detail the basis on which the minister decides to designate or declare a person;
- regular reports to Parliament in relation to the sanctions regime including the basis on which persons have been designated or declared and what assets have been frozen, or the amount of assets;
- provision for merits review before a court or tribunal of the minister's decision to designate or declare a person is subject to sanctions;
- regular periodic reviews of designations and declarations;
- automatic reconsideration of designations and declarations if new evidence or information comes to light;
- limits on the power of the minister to impose conditions on a permit for access to funds to meet basic expenses;



- review of individual designations and declarations by the Independent National Security Legislation Monitor;
- provision that any prohibition on making funds available does not apply to social security payments to family members of a designated person (to protect those family members); and
- consultation with operational partners such as the police regarding other alternatives to the imposition of sanctions.¹

I draw the PJCHR's previous comments regarding sanctions legislation to the attention of your committee as part of this inquiry.

Yours sincerely

Mr Josh Burns MP
Chair

¹ The committee's prior consideration of Australia's sanctions legislation includes consideration of sanctions imposed under the Autonomous Sanctions Act 2011 and the Charter of the United Nations Act 1945. See: Parliamentary Joint Committee on Human Rights, *Report 2 of 2024* (20 March 2024) pp. 14–20; *Report 15 of 2021* (8 December 2021) pp. 2–11; *Report 10 of 2021* (25 August 2021), pp. 117–128; See also *Report 2 of 2019* (2 April 2019) pp. 112–122; *Report 6 of 2018* (26 June 2018) pp. 104–131; *Report 4 of 2018* (8 May 2018) pp. 64–83; *Report 3 of 2018* (26 March 2018) pp. 82–96; *Report 9 of 2016* (22 November 2016) pp. 41–55; *Thirty-third Report of the 44th Parliament* (2 February 2016) pp. 17–25; *Twenty-eighth Report of the 44th Parliament* (17 September 2015) pp. 15–38; *Tenth Report of 2013* (26 June 2013) pp. 13–19; and *Sixth Report of 2013* (15 May 2013) pp. 135–137.