

List of recommendations

Recommendation 1

3.33 The committee recommends that the government consider developing best practice guidelines for the policy formulation, drafting, implementation, enforcement, monitoring and administration of autonomous sanctions. These guidelines could be informed by relevant international resources, research and public consultation.

Recommendation 2

3.41 The committee recommends that the government amend the Explanatory Memorandum to include guidance about the types of 'other writing' that may be incorporated by reference in regulations made under subclause 10(3).

Recommendation 3

3.56 The committee recommends that the government should amend the Explanatory Memorandum to set out the reasons for including subclause 14(5).

Recommendation 4

3.63 The committee recommends that the government consider:

- extending Part 2, Division 2 to the enforcement of sanction laws as defined in Clause 4; or
- if there is no legislative intention to do so, including in the Explanatory Memorandum an explanation of how Part 2, Division 2 is consistent with the purpose of the bill expressed in subclause 3(b).

Recommendation 5

3.73 The committee recommends that the government amend the Explanatory Memorandum to include a statement of reasons for the imposition in subclause 16(8) of strict liability in respect of the offences contained in subclauses 16(5) and 16(6).

Recommendation 6

3.88 The committee recommends that, for the avoidance of doubt, the government consider including in subclause 16(2) an element that an individual must hold an authorisation.

Recommendation 7

3.104 The committee recommends that the government consider including in the bill or the Explanatory Memorandum an express statement of the fault elements applicable to each of the physical elements of the offences set out in Clause 17.

Recommendation 8

3.108 The committee recommends that the government consider including in the bill:

- an inclusive definition of the 'administration' of an autonomous sanctions regime for the purposes of Clause 17; and

- a definition of an SES employee, by reference to the *Public Service Act 1999*, for the purpose of Clause 27.

Recommendation 9

3.117 The committee recommends that the government amend the Explanatory Memorandum to the bill to set out the reasons for:

- derogating from the privilege against self incrimination in Clause 22; and
- the non-inclusion of derivative use immunity in subclause 22(2).

Recommendation 10

3.118 The committee recommends that the government consider extending the use immunity recognised in subclause 22(2) to documents provided pursuant to a notice issued under Clause 19.

Recommendation 11

3.127 The committee recommends that the government amend the Explanatory Memorandum to the bill to explain the reasons for the immunity contained in Clause 25.

Recommendation 12

3.134 The committee recommends that the government amend the Explanatory Memorandum to the bill to set out the reasons for including the following clauses:

- subclause 10(3);
- Clause 12;
- Clause 13;
- subclause 14(5);
- Clause 16;
- Clause 22; and
- subclause 24(2).

Recommendation 13

3.146 The committee recommends that, subject to consideration of recommendations 1-12 of this report, the Senate pass the bill.