

## EXPLANATORY STATEMENT

Issued by the authority of the Minister for Agriculture, Fisheries and Forestry

*Quarantine Act 1908*

*Quarantine Amendment Proclamation 2005 (No. 1)*

The *Quarantine Proclamation 1998* (“the Proclamation”) provides the legislative basis for controlling the entry of animals, plants and other goods of quarantine concern into Australia and the Cocos Islands, and for controlling the movement of animals, plants or other goods of quarantine interest between different parts of Australia and the Cocos Islands.

Subsection 13(1) of the *Quarantine Act 1908* (“the Act”) provides that the Governor-General may, by proclamation, declare or prohibit a range of matters for the purposes of the Act, including: the introduction or importation into Australia, or the Cocos Islands, of any disease or pest or any substance, article or thing containing or likely to contain any disease or pest; the importation into Australia, or the Cocos Islands, of any articles or things likely, in his or her opinion, to introduce, establish or spread any disease or pest; and the importation into Australia, or the Cocos Islands, of any animals or plants or any parts of animals or plants.

Subsection 13(2) of the Act provides that the power of prohibition under section 13 of the Act extends to authorise prohibition generally, or as otherwise provided by the instrument authorising the prohibition, including either absolutely or subject to specified conditions or restrictions. Subsection 13(2A) of the Act provides that a proclamation made under section 13(1) of the Act may provide that the importation of a thing is prohibited unless a permit for its import is granted by a Director of Quarantine. In addition, subsection 13(2B) of the Act states that an import permit granted pursuant to a proclamation may be granted subject to compliance with any conditions or requirements set out in that permit.

Section 63 of the Proclamation provides that the importation of a seed (other than a seed of a kind of plant mentioned in Schedule 5 of the Proclamation) is prohibited unless the Director of Quarantine has granted a permit for its importation. Schedule 5 of the Proclamation lists all species that have been assessed as permitted seeds. The effect of section 63 is to allow the importation of a seed species listed in Schedule 5 to Australia without an import permit.

The purpose of the *Quarantine Amendment Proclamation 2005 (No. 1)* (“the Amendment Proclamation”) is to amend Schedule 5 to the Proclamation (“the permitted seeds list”) by:

- adding 64 seed species; and
- correcting four typographical errors in the scientific reference to seeds in the permitted seeds list.

Biosecurity Australia has recently assessed 65 seed species for quarantine risk, based on an analysis of the seed’s potential weediness and noxious properties. The 65 species assessed comprised 64 species which are not on the permitted seeds list, and one species which is already on the list but incorrectly listed due to a typographical error. The

assessments found no scientific justification for excluding any of the species from the permitted seeds list.

Consultation with external stakeholders was not undertaken as the assessment provided by Biosecurity Australia was deemed to be sufficient in that external stakeholders would not be adversely affected by the proposed amendments. The Office of Regulation Review have previously advised that the proposed amendment to Schedule 5 to the Proclamation is of a minor or machinery of government nature, and does not have a substantial direct or indirect impact on business.

Details of the amendments are set out below:

Section 1 provides that the name of the Amendment Proclamation is the *Quarantine Amendment Proclamation 2005 (No. 1)*.

Section 2 provides that the Proclamation commences on the day after it is registered on the Federal Register of Legislative Instruments.

Section 3 provides that Schedule 1 amends the *Quarantine Proclamation 1998*.

#### Schedule 1 - Amendments

Item 1 amends Schedule 5 by correcting a typographical error in the scientific reference to the seeds of the *Chamaerops* species. The amendment would replace the existing scientific reference to *Chamaeropsis* with *Chamaerops*.

Item 2 amends Schedule 5 by correcting a duplication and typographical error in the scientific reference to seeds of the *Fritillaria* species. The amendment would exclude the existing scientific reference to *Fritillaria* whilst retaining *Fritillaria* as the reference to the seed species in the schedule.

Item 3 amends Schedule 5 by removing the reference to *Lotus jacobaeous* seeds in Schedule 5. The correct scientific reference to this seed *Lotus jacobaeus* would be added to Schedule 5 by Item 5.

Item 4 amends Schedule 5 by correcting a typographical error. The amendment would replace the scientific reference to the *Strobilanthes* seed species in Schedule 5 with *Strobilanthes*.

Item 5 amends Schedule 5 by inserting 65 seed species in the permitted seed list, in the appropriate alphabetical position on a letter-by-letter basis. The 65 seed species have been scientifically assessed by Biosecurity Australia as posing minimal quarantine risk to Australia. The effect of this amendment would be to allow the importation of these seed species to Australia without an import permit.