EXPLANATORY STATEMENT

Subject -  Quarantine Act 1908

Quarantine Amendment Proclamation 2006 (No. 4)

The Quarantine Proclamation 1998 ("the 1998 Proclamation") provides the legislative basis for controlling the entry of animals, plants and other goods of quarantine concern into Australia, and for controlling the movement of animals, plants or other goods of quarantine interest between different parts of the Australian mainland.

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. The range of matters that the Governor-General may prohibit includes the introduction or importation into Australia of any disease or pest or any substance, article or thing containing or likely to contain any disease or pest; the importation into Australia 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 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 prohibition either absolutely or subject to specified conditions or restrictions. Subsection 13(2A) of the Act provides that a proclamation made under subsection 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 made in accordance with subsection 13(2A) may be granted subject to compliance with any conditions or requirements set out in that permit.

The purpose of the Proclamation is to update the list of seeds that may be imported into Australia without a permit.

Section 63 of the 1998 Proclamation provides that the importation into Australia of a seed (other than a seed of a kind of plant mentioned in Schedule 5 to that Proclamation) is prohibited unless a Director of Quarantine has granted a permit for its importation. Schedule 5 lists all species that have been assessed as permitted seeds. The effect of section 63 is to allow the importation into Australia of a seed of the plant species listed in Schedule 5 without a permit.

The Proclamation amends Schedule 5 to the 1998 Proclamation by adding 48 entries and removing 2 entries, which are now considered to be weeds. These amendments reflect ongoing assessments conducted by the Australian Quarantine Inspection Service (AQIS) and Biosecurity Australia as a result of requests from importers to have additional species added to the permitted seeds list. All seeds being added have undergone the required assessment by AQIS or Biosecurity Australia.
No consultation was undertaken because the instrument is of a minor or machinery nature and does not substantially alter existing arrangements.

Details of the Proclamation are set out below.

**Section 1** provides that the name of the Proclamation is the *Quarantine Amendment Proclamation 2006 (No. 4)*.

**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** inserts 47 new plant species and 1 plant genus (*Azadirachta* spp.) into Schedule 5 to the Proclamation. The effect of this amendment is to allow the importation of the seed of these plants into Australia without an import permit.

**Items 2 and 3** removes 1 plant genus (*Aloe* spp.) and 1 plant species (*Azadirachta indica*) from Schedule 5 to the Proclamation. These are removed because they are now considered to be weeds. The effect of this amendment is to prohibit the importation into Australia of the seeds of these plants without a permit.