EXPLANATORY STATEMENT

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

Quarantine Act 1908

Quarantine (Cocos Islands) Amendment Proclamation 2006 (No. 2)

The Quarantine (Cocos Islands) Proclamation 2004 (‘the Cocos Islands Proclamation’) provides the legislative basis for controlling the entry and movement of animals, plants and other goods of quarantine concern into the Cocos (Keeling) Islands (‘the Cocos Islands’).

Subsection 13(1) of the Quarantine Act 1908 (‘the Act’) provides, in part, 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, Christmas Island 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, Christmas Island 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, Christmas Island or the Cocos Islands of any animals or plants or any parts of animals or plants. The range of matters which the Governor-General may declare includes ports where particular kinds of imported goods may be landed.

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 Quarantine (Cocos Islands) Amendment Proclamation 2006 (No. 2) varies the conditions under which animals and animal tissues (including fish) may be imported into the Cocos Islands.

No consultation has occurred on this amendment because it is of a minor or machinery nature and does not substantially change the law.

The Quarantine (Cocos Islands) Amendment Proclamation 2006 (No. 2) is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Quarantine (Cocos Islands) Amendment Proclamation 2006 (No. 2) commences on the day after it is registered on the Federal Register of Legislative Instruments.
Details of the amendments are set out below:

Section 1 provides that the name of the Proclamation is the *Quarantine (Cocos Islands) Amendment Proclamation 2006 (No. 2).*

Section 2 provides that the proposed 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 (Cocos Islands) Proclamation 2004.*

Schedule 1 - Amendments

Item 1 substitutes item 1, Table 8 of section 24 to expand the conditions under which dead animals and animal tissues (including fish) may be the imported into the Cocos Islands. The additional conditions ensure that the container is reliably sealed and that no animal, plant or human is exposed directly or indirectly to the material or any of its derivatives. These additional requirements result from a review by Biosecurity Australia. The review found that a quarantine risk could arise if the material is exposed to an animal, plant or human.