EXPLANATORY STATEMENT

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

Quarantine Act 1908

Quarantine Amendment Proclamation 2008 (No. 1)

The Quarantine Proclamation 1998 (the Principal 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.

Section 13 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. These matters include the appointing of places on land or sea to be quarantine stations for the performance of quarantine by vessels, persons, goods, animals, or plants; prohibiting 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.

The purpose of the Quarantine Amendment Proclamation 2008 (No. 1) (the amending Proclamation) is to amend the Principal Proclamation to update the list of seeds that may be imported into Australia without a permit and to correct a minor typographical error in subsection 69(1).

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.

Section 63 of the Principal Proclamation provides that the importation into Australia of a seed (other than a seed of a kind of plant mentioned in Schedule 5 to the Principal Proclamation) is prohibited unless a Director of Quarantine has granted a permit for its importation. Schedule 5 to the Principal Proclamation lists all seeds that have been assessed as permitted seeds.

The amending Proclamation amends Schedule 5 (Permitted seeds) to the Principal Proclamation by adding a further 363 seeds, correcting 3 instances of typographical errors, correcting a duplicate entry and removing 1 entry that is considered to be a weed and as such presents a quarantine risk. These amendments reflect ongoing assessments conducted by Biosecurity Australia (BA) and the Australian Quarantine and Inspection
Service (AQIS) as a result of requests from importers to have additional seeds added to the permitted seeds list. All seeds being added have undergone the required assessment by either BA or AQIS.

The amending Proclamation also amends subsection 69(1) of the Principal Proclamation by omitting the word “grated” and inserting the word “granted” in its place. This corrects a typographical error.

No consultation has occurred on these amendments because they are of a minor or machinery nature and do not substantially change the law.

The amending Proclamation is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The amending Proclamation commences on the day after it is registered on the Federal Register of Legislative Instruments.

Details of the amending Proclamation are set out below.

Section 1 provides that the name of the Amendment Proclamation is the Quarantine Amendment Proclamation 2008 (No ).

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 subsection 69(1) of the Principal Proclamation by omitting the word “grated” and inserting the word “granted” in its place. This corrects a typographical error.

Item 2 corrects a duplicate entry by omitting the first instance of “Aloe vanbalenii”.

Item 3 omits four seeds from Schedule 5 to the Principal Proclamation. The removal of ‘Ligularia alpigena’ reflects the result of ongoing assessments by BA and AQIS. This seed is removed because it is considered to be a weed. The effect of this omission is to prohibit the importation into Australia of this seed without a permit.

The omission of “Ammi visnagae”, “Babiana tuberosa”, and “Benincasa hispada” is to correct spelling errors. These seeds are re-inserted by item 4 with the correct spellings.

Item 4 inserts 366 seeds into Schedule 5 to the Principal Proclamation. Of the 366 seeds, 363 additional seeds are be added to Schedule 5, these insertions reflect the results of ongoing assessments conducted by BA and AQIS. The effect of these insertions is to allow the importation of the 363 seeds into Australia without an import permit.

The three seeds containing spelling errors omitted by item 3 are re-inserted with the correct spelling by this item.