

EXPLANATORY STATEMENT

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

Quarantine Act 1908

Quarantine Amendment Proclamation 2004 (No. 6)

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, the Cocos (Keeling) Islands or Christmas Island, of any disease or pest or any substance, article or thing containing or likely to contain any disease or pest; the importation into Australia, the Cocos (Keeling) Islands or Christmas Island, 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.

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, the Cocos (Keeling) Islands and Christmas Island, and for controlling the movement of animals, plants or other goods of quarantine interest between different parts of Australia, the Cocos (Keeling) Islands and Christmas Island.

Section 65 of the Proclamation provides that the importation into Australia of a plant or plant part of a kind mentioned in Schedule 6 (whether or not capable of being used for propagation) is prohibited unless a Director of Quarantine has granted a permit for the importation.

The *Quarantine Amendment Proclamation 2004 (No. 6)* (“the Amendment Proclamation”) amends Schedule 6 to the Proclamation by adding 28 plant species that may not be imported without an import permit, and replacing a reference to the Coniferae (*Pinopsida*) family with references to the 36 species of that family which are of quarantine concern.

The Amendment Proclamation reflects recent scientific assessments conducted by Biosecurity Australia. The assessments analyse the quarantine risk of introducing exotic pests and diseases into Australia associated with the importation of plants or plant parts. The conclusion of assessments of the plant species referred to in the Amendment Proclamation is that there is scientific justification for including these specific plants in Schedule 6 to the Proclamation. The Amendment Proclamation also

amends the current reference to Coniferae (*Pinopsida*) in Schedule 6 by making references in the Schedule scientifically accurate by specifying the actual genus of quarantine concern within the *Pinopsida* family.

The effect of the Amendment Proclamation is that the plants referred to in the Amendment Proclamation may not be imported without a permit issued by a Director of Quarantine. Details of what the Director of Quarantine must consider when deciding whether to grant a permit are provided for in Part 8 of the Proclamation.

Details of the amendments are set out below:

Section 1 provides that the name of the proposed Proclamation is the *Quarantine Amendment Proclamation 2004 (No. 6)*.

Section 2 provides that the proposed Proclamation commences on gazettal.

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

Schedule 1 - Amendments

Item 1 amends Schedule 6 by deleting the reference to “Coniferae (*Pinopsida*)”. The effect of this amendment is to no longer prohibit the importation of every genus of the Coniferae (*Pinopsida*) family unless the Director of Quarantine grants a permit for the importation.

Item 2 amends Schedule 6 to the Proclamation to add 64 plant references in scientific nomenclature to be inserted in the appropriate alphabetical places determined on a letter-by-letter basis. The 64 plant references are comprised of 28 new plant additions to Schedule 6 and 36 species of the Coniferae (*Pinopsida*) family. The effect of this item is that the plants referred to may not be imported without a permit issued by a Director of Quarantine.