

EXPLANATORY STATEMENT

Issued by Authority of the Minister for Agriculture

Quarantine Act 1908

Quarantine Amendment (Quarantine Stations) Proclamation 2015

Legislative Authority

Subsection 13(1) of the *Quarantine Act 1908* (Act) provides that the Governor-General may make proclamations to declare any ports in Australia to be ports where imported animals, plants or other goods, or imported animals, plants or other goods of a particular kind or description or having a particular use, may be landed. The Governor-General may appoint places on land or sea to be quarantine stations for the performance of quarantine by vessels, persons, goods, animals, or plants.

The *Quarantine Proclamation 1998* (Quarantine Proclamation) provides in part 2, division 1, section 14, and at schedule 1, part 1 for quarantine stations for animals or goods; and in part 2, division 1, section 15 and at schedule 1 part 2 for plants or goods of quarantine concern for mainland Australia.

Purpose

The purpose of the *Quarantine Amendment (Quarantine Stations) Proclamation 2015* (Amendment Proclamation) is to add the new post-entry quarantine (PEQ) facility which has been built at Mickleham, Victoria, to the list of Commonwealth Government-operated quarantine stations in the Quarantine Proclamation.

The new facility will be leased by the Department of Agriculture (department) as a PEQ facility for housing high-risk plant and animal species and goods imported to Australia.

Impact and Effect

The Amendment Proclamation will allow the new PEQ facility to commence operation as a quarantine station for animals, plants and goods by 1 December 2015. These amendments to the Quarantine Proclamation are required until new arrangements come into effect with commencement of the *Biosecurity Act 2015* in June 2016, and repeal of the *Quarantine Act 1908* and its subordinate legislation.

Consultation

The department consulted with clients who import high risk animal and plant species and goods which must undergo quarantine at Commonwealth-operated premises, and other relevant user groups, on the new Mickleham facility development.

The Office of Best Practice Regulation (OBPR) determined that the amendments are minor in nature and that a regulation impact statement is not required (OBPR Reference Number 19166).

The Amendment Proclamation is a legislative instrument for the purposes of the *Legislative Instruments Act 2003*. It is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in the [Attachment](#).

Details of the *Quarantine Amendment (Quarantine Stations) Proclamation 2015*

Section 1 – Name

This section provides that the name of the Amendment Proclamation is the *Quarantine Amendment (Quarantine Stations) Proclamation 2015*.

Section 2 – Commencement

This section provides for the Amendment Proclamation to commence on 1 October 2015.

Section 3 – Authority

This section provides that the Amendment Proclamation is made under paragraph 13(1)(c) of the *Quarantine Act 1908*.

Section 4 – Schedules

This section provides that each instrument that is specified in a schedule to the Amendment Proclamation is amended or repealed as set out in the schedule concerned, and any other item in a schedule to the Amendment Proclamation has effect according to its terms.

Schedule 1 – Amendments

Item 1 inserts new paragraph (c) ‘the place at Mickleham in Victoria described in clause 3 of Part 1 of Schedule 1’ after paragraph 14(1)(b) in division 1 of part 2 of the Quarantine Proclamation.

The purpose of the amendment is to add the new quarantine facility which has been built at Mickleham in Victoria as a first port of entry and quarantine station for animals and goods.

Item 2 inserts new paragraph (c) ‘the place at Mickleham in Victoria described in clause 13 of Part 2 of Schedule 1’ at the end of section 15 in division 1 of part 2 of the Quarantine Proclamation.

The purpose of the amendment is to add the new quarantine facility which has been built at Mickleham in Victoria as a first port of entry and quarantine station for plants and goods.

Item 3 inserts new item 3 ‘**Mickleham (Victoria)** The land in Victoria in folio identifier 2/LP202576 at Mickleham, City of Hume, County of Bourke that is Lot 2 in deposited plan LP202576 (known as 135 Donnybrook Road, Mickleham)’ after clause 2 in part 1 of schedule 1 to the Quarantine Proclamation.

The purpose of the amendment is to provide location details of the new quarantine facility at Mickleham in Victoria in schedule 1 to the Quarantine Proclamation, which locates quarantine stations for animals and goods in Australia.

Item 4 inserts new item 13 ‘**Mickleham (Victoria)** The land in Victoria in folio identifier 2/LP202576 at Mickleham, City of Hume, County of Bourke that is Lot 2 in deposited plan LP202576 (known as 135 Donnybrook Road, Mickleham)’ at the end of part 2 of schedule 1 to the Quarantine Proclamation.

The purpose of the amendment is to provide location details of the new quarantine facility at Mickleham in Victoria in schedule 1 to the Quarantine Proclamation, which locates quarantine stations for plants and goods in Australia.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

Quarantine Amendment (Quarantine Stations) Proclamation 2015

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

The Legislative Instrument amends the *Quarantine Proclamation 1998* to add the new Mickleham Post-Entry Quarantine Facility at Mickleham, Victoria, to the list of Commonwealth Government-operated quarantine stations. The facility will be operated as a first port of entry and quarantine station for housing high-risk plant and animal species and goods imported to Australia.

Human rights implications

This Legislative Instrument does not engage any of the applicable rights or freedoms.

Conclusion

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.

**The Hon. Barnaby Joyce MP
Minister for Agriculture**