**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 Number19166).

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.

**ATTACHMENT**

**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**