

EXPLANATORY STATEMENT

Issued by Authority of the Deputy Prime Minister and Minister for Agriculture and Water Resources

Quarantine Act 1908

Quarantine Amendment (Sunshine Coast Airport) Proclamation 2016

Legislative Authority

Subsection 13(1) of the *Quarantine Act 1908* (the Act) provides that the Governor-General may make proclamations to declare any place or area in Australia, the Cocos Islands or Christmas Island to be first port of entry and a landing place for aircraft.

Subsection 13(1)(b) of the Act provides that the Governor-General may make proclamations to declare that imported animals, plants or other goods of a particular kind or description or having a particular use, may be landed.

Purpose

The purpose of the *Quarantine Amendment (Sunshine Coast Airport) Proclamation 2016* (Amendment Proclamation) is to proclaim Sunshine Coast Airport Limited (Sunshine Coast) as a first port of entry and landing place for international aircraft services. The Amendment Proclamation will also allow for the landing of domestic dogs and domestic cats from New Zealand, as well as the landing of other goods, such as waste products.

Background

An overseas aircraft cannot land at non proclaimed landing places unless approval is provided in writing by the Minister under sections 20AA and 20D of the Act.

Section 20AA, provides that the Minister may give permission for an overseas aircraft to land, subject to necessary conditions (if any), in Australia, the Cocos Islands or Christmas Island.

Section 20D provides that the Director of Quarantine may give written permission for imported animals, plants or other goods to be landed at a non-proclaimed landing space in Australia or, the Cocos Islands or Christmas Island where an application has been made and any conditions complied with.

Impact and Effect

As a non-approved landing place for overseas aircraft, each international aircraft to arrive into Sunshine Coast requires individual regulatory approval including administrative approvals for landing as per section 20AA and Section 20D.

The Amendment Proclamation will allow Sunshine Coast to be a landing place for international aircraft and listed goods resulting in reduced regulatory approvals for airline operators and reduced administrative requirements for the Department of Agriculture and Water Resources.

Consultation

The Department of Agriculture and Water Resources has consulted with internal and external stakeholders including the Department of Immigration and Border Protection, the Department of Health, the Department of Infrastructure and Regional Development and Sunshine Coast. No concerns were raised.

The Office of Best Regulatory Practice (OBRP) was consulted and has considered that the amendments are minor in nature and therefore a Regulation Impact Statement is not required (OBPR Reference Number: 19782).

The Amendment Proclamation 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.

The Amendment Proclamation is a legislative instrument for the purposes of the *Legislation Act 2003*.

Details/ Operation

Details of the *Quarantine Amendment (Sunshine Coast Airport) Proclamation 2016* are set out below.

Section 1 - Name

This section provides that the name of the Amendment Proclamation is the *Quarantine Amendment (Sunshine Coast Airport) Proclamation 2016*.

Section 2 – Commencement

This section provides for the Amendment Proclamation to commence on the day after registration.

Section 3 – Authority

This section provides that the Amendment Proclamation is made under the *Quarantine Act 1908*.

Section 4 – Schedules

This section provides that the *Quarantine Proclamation 1998* is amended as set out in Schedule 1.

Schedule 1 - Amendments

Item 1 will insert “Sunshine Coast Airport” in section 9(2), table 2 as a Queensland first port of entry and landing place for overseas aircraft.

Item 2 will insert “Sunshine Coast Airport” in Column 2 and “Domestic cats and domestic dogs from New Zealand” in Column 3 in section 11, table 4 as a Queensland port where particular kinds or description of imported animals may be landed.

Item 3 will insert “Sunshine Coast Airport” in section 13A (1), table 6A as a Queensland port where imported goods (other than animals or plants) generally may be landed.

ATTACHMENT

Statement of Compatibility with Human Rights

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

Quarantine Amendment (Sunshine Coast Airport) Proclamation 2016

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

This Legislative Instrument amends the *Quarantine Proclamation 1998* to proclaim Sunshine Coast Airport as a first port of entry and landing place for international aircraft services. This amendment will also allow for the landing of domestic dogs and domestic cats from New Zealand, as well as the landing of other goods, such as waste products to be removed from the aircraft.

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
Deputy Prime Minister and Minister for Agriculture and Water Resources