

## **EXPLANATORY STATEMENT**

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

*Quarantine Act 1908*

*Quarantine Repeal Proclamation 2016*

### **Legislative Authority**

The *Quarantine Act 1908* (Quarantine Act) provides the legislative basis for human, plant and animal quarantine activities to prevent or control the introduction, establishment or spread of diseases or pests into Australia that will or could cause significant damage to humans, animals, plants, other aspects of the environment or economic activities.

The *Quarantine Proclamation 1998* (Quarantine Proclamation) provides the legislative basis for controlling the entry of animals, plants and other goods of quarantine concern into mainland Australia. The *Quarantine (Christmas Island) Proclamation 2015* (Christmas Island Proclamation) and the *Quarantine (Cocos Islands) Proclamation 2015* (Cocos Islands Proclamation) provide the legislative basis for controlling the entry of animals, plants and other goods of quarantine concern into Christmas Island and Cocos (Keeling) Islands.

Subsection 13(1) of the Quarantine Act provides, in part, that the Governor-General may, by proclamation, declare or prohibit a range of matters for the purposes of the Act. The range of matters that the Governor-General may prohibit includes the introduction or importation into Australia, Christmas Island or the Cocos Islands of any disease or pest or any substance, article or thing containing or likely to contain any disease or pest; the importation into Australia, Christmas Island or the Cocos Islands 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, Christmas Island or the Cocos Islands of any animals or plants or any parts of animals or plants. The range of matters which the Governor-General may declare includes ports where particular kinds of imported goods may be landed.

### **Purpose**

The purpose of the *Quarantine Repeal Proclamation 2016* (the Proclamation) is to repeal the Quarantine Proclamation, Christmas Island Proclamation and the Cocos Islands Proclamation. Due to the repeal of the Quarantine Act, these proclamations will no longer have effect.

### **Background**

The Agriculture Department undertakes biosecurity activities to assess and manage biosecurity risk associated with people, goods and conveyances entering or in Australian territory. The *Biosecurity Act 2015* (the Biosecurity Act) and related delegated legislation commenced operation on 16 June 2016. On the commencement of the Biosecurity Act, the Quarantine Act was replaced and repealed.

### **Impact and Effect**

At the commencement of the Repeal Proclamation, the Quarantine Act was repealed. As such, this repeal serves the administrative purpose of removing the legislative instruments made under the Quarantine Act. The Proclamation does not change the impact or effect on industry as the Biosecurity Act and its delegated legislation will deal with the equivalent of these matters.

### **Consultation**

Industry consultation was not appropriate for a Proclamation of this nature as it is purely mechanical and administrative.

The department consulted with the Office of Parliamentary Counsel (OPC) in the drafting of the Proclamation, and the OBPR advised on 31 March 2016 that the Biosecurity Regulation Impact Statement conducted for the Biosecurity Act (ID: 16609) was sufficient for the purposes of the Proclamation and a further regulation impact statement would not be required.

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

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

Authority: Section 13 of the  
*Quarantine Act 1908*

### **Details of the Quarantine Repeal Proclamation 2016.**

#### Section 1 – Name

The section provides that the name of the Proclamation is the *Quarantine Repeal Proclamation 2016*.

#### Section 2 - Commencement

This section provides for the Proclamation to commence at the same time as Schedule 1 to the *Biosecurity (Consequential Amendments and Transitional Provisions) Act 2015* commences. The Proclamation commences on 16 June 2016.

#### Section 3 – Authority

This section provides that this instrument is made under section 13 of the Quarantine Act.

#### Section 4 – Schedules

This section provides that each instrument that is specified in a Schedule to the Proclamation is amended or repealed as set out in each Schedule concerned and has effect according to its terms.

## **Schedule 1 – Repeals**

### Items 1, 2 and 3

These items repeal the:

- *Quarantine Proclamation 1998;*
- *Quarantine (Christmas Island) Proclamation 2015; and*
- *Quarantine (Cocos Islands) Proclamation 2015*

with effect from 16 June 2016.

## **Statement of Compatibility with Human Rights**

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

### **Quarantine Repeal 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**

The purpose of the *Quarantine Repeal Proclamation 2016* (the Proclamation) is to repeal the *Quarantine Proclamation 1998*, *Quarantine (Christmas Island) Proclamation 2015* and *Quarantine (Cocos Islands) Proclamation 2015*.

At the commencement of the Repeal Proclamation, the *Quarantine Act 1908* (the Quarantine Act) was repealed. As such, this repeal serves the administrative purpose of removing the legislative instruments made under the Quarantine Act that will no longer have effect.

#### **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**