



New South Wales

Public Health (COVID-19 Maritime Quarantine) Order (No 2) Amendment Order 2020

under the

Public Health Act 2010

I, Brad Hazzard, the Minister for Health and Medical Research, under section 7 of the *Public Health Act 2010*, make the following Order.

Dated 6 August 2020 at 10.45 am.

BRAD HAZZARD, MP
Minister for Health and Medical Research

Explanatory note

The object of this Order is to address public health risks arising from COVID-19 by amending the quarantine restrictions concerning maritime movement to allow for the control of the movement of crew members.

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1 Name of Order

This Order is the *Public Health (COVID-19 Maritime Quarantine) Order (No 2) Amendment Order 2020*.

Schedule 1 Amendment of Public Health (COVID-19 Maritime Quarantine) Order (No 2) 2020

[1] Clause 2A

Insert after clause 2—

2A Application

- (1) This Order does not apply to or in respect of a vessel that arrives, or has arrived, in New South Wales on a voyage if—
 - (a) the voyage commenced from a port in Australia, and
 - (b) the vessel has not stopped at a port outside Australia on the voyage, and
 - (c) each person on board the vessel boarded the vessel at a port in Australia.

Note. A person who arrives in NSW by air to join a vessel must comply with quarantine requirements as set out in the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020*.

- (2) This Order does not override any restrictions imposed on a person by the *Public Health (COVID-19 Border Control) Order 2020* as amended and in force from time to time.

Note. The *Public Health (COVID-19 Border Control) Order 2020* imposes restrictions on persons travelling to New South Wales from Victoria.

[2] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

employer of a person who is a member of the crew of a vessel means a person who employs or otherwise engages the crew member to assist with the operation of the vessel.

essential task includes the following—

- (a) loading or unloading cargo,
- (b) rigging gangways,
- (c) undertaking ship to shore activities,
- (d) connecting water or fuel to a vessel,
- (e) receiving or loading stores,
- (f) disposing of waste,
- (g) carrying out essential maintenance on a vessel,
- (h) carrying out safety checks and activities,
- (i) preparing a vessel for sailing.

master has the same meaning as in the *Ports and Maritime Administration Act 1995*.

quarantine facility has the same meaning as in the *Public Health (COVID-19 Air Transportation Quarantine) Order (No 2) 2020*.

[3] Clause 5 Directions—persons arriving in NSW on a vessel

Insert after clause 5(2)(b)—

- (c) go directly to an airport or another vessel in order to immediately leave New South Wales,
- (d) undertake an essential task in accordance with clause 5A before re-boarding the vessel.

[4] Clause 5(3)

Omit clause 5(3). Insert instead—

- (3) The Minister directs that a person subject to a direction of the Commissioner of Police under subclause (2)(a)–(c) must comply with any direction of the Commissioner of Police in relation to the person’s transit at the port or travel to the—
- (a) quarantine facility, or
 - (b) hospital or other medical facility, or
 - (c) airport or other vessel.

[5] Clause 5(5) and (6)

Insert after clause 5(4)—

- (5) The Minister directs that the employer of a person must—
- (a) arrange appropriate transportation for the person for any travel under this clause to the—
 - (i) quarantine facility, or
 - (ii) hospital or other medical facility, or
 - (iii) airport or other vessel, and
 - (b) provide the person with a face mask, and
 - (c) take reasonable steps to ensure that the person wears a face mask while—
 - (i) travelling under this clause, and
 - (ii) waiting at an airport to leave New South Wales.
- (6) In this clause—
appropriate transportation excludes any form of public transportation, including taxi services and passenger services within the meaning of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*.

[6] Clauses 5A and 5B

Insert after clause 5—

5A Direction—persons disembarking from vessels to undertake essential tasks

The Minister directs that a person who is authorised by the Commissioner of Police to disembark from a vessel to undertake an essential task must—

- (a) remain at the closest distance reasonably possible to the vessel necessary to carry out the essential task and in any event remain within 13 metres from the wharf the vessel is docked at, or such further distance permitted by the Commissioner of Police, unless it is an emergency, and
- (b) take reasonable steps to ensure the person is not exposed to COVID–19 and to minimise the risk of the spread of COVID–19, including wearing suitable personal protective equipment which at a minimum is—
 - (i) gloves, and
 - (ii) a face mask, and
- (c) return to the vessel immediately after completing the task, and
- (d) comply with any direction of the Commissioner of Police in relation to disembarking, carrying out the task and re-boarding the vessel.

5B Directions—COVID-19 safety plans

- (1) The Minister directs that a person who is the occupier of a wharf at which a vessel is docked must—
 - (a) develop and comply with a COVID-19 safety plan that addresses the matters required by the COVID-19 safety checklist for maritime operations, and
 - (b) keep a copy of the COVID-19 safety plan on, or in reasonable proximity to, the wharf and make it available for inspection by an authorised officer or police officer as requested.
- (2) The Minister directs that the master of a vessel that is docked at a wharf must—
 - (a) develop and comply with a COVID-19 safety plan that addresses the matters required by the COVID-19 safety checklist for maritime operations, and
 - (b) keep a copy of the COVID-19 safety plan on the vessel and make it available for inspection by an authorised officer or police officer as requested.
- (3) In this clause, *COVID-19 safety checklist for maritime operations* means the COVID-19 safety checklist for maritime operations approved by the Chief Health Officer on 3 August 2020 and published on the New South Wales Government website (www.nsw.gov.au).

[7] Clause 6 Directions—persons boarding and disembarking from vessels

Insert after clause 6(1)(g)—

- (h) a person who is required to board the vessel to repair or maintain the vessel,
- (i) a person who is required to board the vessel in the person’s capacity as a ship agent or ship classification surveyor,
- (j) a member of staff of the operator of a terminal who is required to board the vessel to undertake ship to shore requirements,
- (k) an Australian Maritime Safety Authority inspector,
- (l) a person who is conducting an inspection for or on behalf of a regulator or a verification and audit body that is recognised by the shipping industry,
- (m) a union official,
- (n) a cargo surveyor,
- (o) a person exercising insurance functions.