



New South Wales

# Public Health (COVID-19 Maritime Quarantine) Order 2021

under the

Public Health Act 2010

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

Dated 10 March 2021 (original order).  
As amended on 12 May 2021 at 12.55pm.

Minister for Health and Medical Research

## Explanatory note

The object of this Order is to repeal and remake, with minor changes, the *Public Health (COVID-19 Maritime Quarantine) Order (No 4) 2020*.

## Editorial note

This is the order as amended by the *Public Health (COVID-19 Air Transportation and Maritime Quarantine) Amendment Order 2021*.

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## Public Health (COVID-19 Maritime Quarantine) Order 2021

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### Part 1 Preliminary

#### 1 Name of Order

This Order is the *Public Health (COVID-19 Maritime Quarantine) Order 2021*.

#### 2 Commencement

This Order commences at the beginning of 11 March 2021.

#### 3 Definitions

(1) In this Order—

**Commissioner of Police**—

- (a) means the Commissioner within the meaning of the *Police Act 1990*, and
- (b) includes a member of the NSW Police Force to whom the Commissioner has delegated functions under section 31 of that Act.

**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,
- (j) being assessed or treated by a health practitioner, including being tested for COVID-19, as approved by an authorised medical practitioner within the meaning of section 60 of the Act.

**full day** means a period of 24 hours commencing at 12am and ending at 12am on the following day.

**quarantine facility** has the same meaning as in the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021*.

**quarantine period** means, for a relevant person arriving in New South Wales, the period—

- (a) starting when the person disembarks from the vessel on which the person arrived in New South Wales, and

- (b) ending when the sooner of the following occurs—
  - (i) at least 14 full days have passed and the Chief Health Officer is satisfied the person—
    - (A) having regard to any testing for COVID-19, does not pose a risk of infecting any other person with COVID-19, and
    - (B) 2 days after leaving the quarantine facility, hospital or other medical facility concerned, will be tested for COVID-19,
  - (ii) 24 full days have passed.

**relevant person**—see clause 6.

**Self-Isolation Order** means the *Public Health (COVID-19 Self-Isolation) Order (No 5) 2020*.

**the Act** means the *Public Health Act 2010*.

**vessel** has the same meaning as in the *Ports and Maritime Administration Act 1995* but does not include a vessel owned and operated by the Commonwealth.

**wharf** includes a pier, jetty, landing stage, dock, slip or platform.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

- (2) In this Order—
  - (a) a reference to the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021* includes a reference to an order that remakes, replaces or consolidates, whether in whole or in part, the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021*, and
  - (b) a reference to a provision of the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021* includes a reference to a provision of an order mentioned in paragraph (a) that corresponds, or substantially corresponds, to the provision of the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021*, and
  - (c) a reference to the Self-Isolation Order includes a reference to an order that remakes, replaces or consolidates, whether in whole or in part, the Self-Isolation Order, and
  - (d) a reference to a provision of the Self-Isolation Order includes a reference to a provision of an order mentioned in paragraph (c) that corresponds, or substantially corresponds, to the provision of the Self-Isolation Order.
- (3) Notes included in this Order do not form part of this Order.

#### **4 Grounds for concluding there is a risk to public health**

The basis for concluding a situation has arisen that is, or is likely to be, a risk to public health is as follows—

- (a) public health authorities both internationally and in Australia have been monitoring and responding to outbreaks of COVID-19, which is a condition caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),
- (b) COVID-19 is a potentially fatal condition and is highly contagious,
- (c) there is an ongoing risk of continuing introduction of COVID-19 into the New South Wales community.

#### **5 Application of order**

This Order does not apply to, or in relation to, 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 board a vessel must comply with quarantine requirements set out in the *Public Health (COVID-19 Air Transportation Quarantine) Order 2021*.

## Part 2 Quarantine

### 6 Direction—persons arriving in NSW on a vessel

The Minister directs that a person (a *relevant person*) who arrives in New South Wales on a vessel that comes from a port outside of New South Wales must not disembark from the vessel unless the person—

- (a) is authorised to do so by the Commissioner of Police (see clause 7), or
- (b) disembarks for the purpose of undertaking an essential task (see clause 8), or
- (c) is required to do so because of an emergency (see clause 9).

### 7 Directions—persons authorised to disembark by Commissioner of Police

- (1) The Minister directs that a relevant person who is authorised to disembark from a vessel under clause 6(a) must do one of the following as directed by the Commissioner of Police—
  - (a) go directly to a quarantine facility specified by the Commissioner of Police,
  - (b) go directly to a hospital or other medical facility for treatment,
  - (c) go directly to an airport or another vessel in order to immediately leave New South Wales.
- (2) The Minister directs that a relevant person subject to a direction of the Commissioner of Police under subclause (1) must comply with a direction of the Commissioner in relation to the person's transit at the port and the person's travel to—
  - (a) the quarantine facility, or
  - (b) the hospital or other medical facility, or
  - (c) the airport or other vessel.
- (3) The Minister directs that a relevant person required to go to a quarantine facility or hospital or other medical facility under subclause (1) must remain at the facility or another facility as directed by the Commissioner of Police during the quarantine period unless—
  - (a) the Commissioner directs otherwise, or
  - (b) there is an emergency that requires the person to leave the facility.
- (4) The Minister directs that a relevant person who is subject to a direction of the Commissioner of Police to leave a quarantine facility or hospital or other medical facility under subclause (3)(a) must comply with a direction of the Commissioner in relation to the person—
  - (a) travelling to an airport from the facility, or
  - (b) waiting at an airport to leave New South Wales.
- (5) The Minister directs that a relevant person who, because of an emergency, is required to leave a quarantine facility or hospital or other medical facility under subclause (3)(b) must comply with a direction of the Commissioner of Police, including a direction in relation to—
  - (a) re-boarding the vessel when it is safe to do so, or
  - (b) going directly to a quarantine facility or hospital or other medical facility for the remainder of the quarantine period.

### 8 Direction—persons disembarking from vessels to undertake essential tasks

- (1) The Minister directs that a relevant person who disembarks from a vessel under clause 6(b) must—

- (a) remain within the relevant distance 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 by wearing—
    - (i) gloves, and
    - (ii) a face mask, and
    - (iii) other suitable personal protective equipment, and
  - (c) re-board the vessel immediately after completing the essential task, and
  - (d) comply with a direction of the Commissioner of Police in relation to disembarking from the vessel, carrying out the essential task or re-boarding the vessel after completing the essential task.
- (2) In this clause—
- relevant distance*** means—
- (a) the distance—
    - (i) from the vessel that is reasonably necessary for the carrying out of the essential task, and
    - (ii) that is no further than 13 metres from the wharf at which the vessel is docked, or
  - (b) a further distance permitted by the Commissioner of Police.

#### **9 Direction—persons disembarking because of emergency**

The Minister directs that a relevant person who, because of an emergency, is required to disembark from a vessel under clause 6(c) must comply with a direction of the Commissioner of Police, including a direction in relation to—

- (a) re-boarding the vessel when it is safe to do so, or
- (b) going directly to a quarantine facility or hospital or other medical facility for the remainder of the quarantine period.

#### **10 Direction—employer of persons disembarking from vessels**

- (1) The Minister directs that the employer of a relevant person who disembarks from a vessel under clause 6 must—
- (a) arrange appropriate transportation for the person's travel to—
    - (i) the quarantine facility, or
    - (ii) the hospital or other medical facility, or
    - (iii) the airport or other vessel, and
  - (b) provide the person with a face mask, and
  - (c) take reasonable steps to ensure the person wears a face mask while—
    - (i) travelling to a place specified in paragraph (a), or
    - (ii) waiting at an airport to leave New South Wales.
- (2) In this clause—
- appropriate transportation***—
- (a) includes the use of a hire vehicle within the meaning of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, but
  - (b) excludes—
    - (i) any form of public transportation, and

- (ii) any passenger service, including a taxi service, within the meaning of the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, other than the use of a hire vehicle.

**employer** of a relevant person means the person who employs or otherwise engages the relevant person to assist with the operation of the vessel.



## Part 3 Other

### 11 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 as in force for the time being, and
  - (b) keep a copy of the COVID-19 safety plan on, or in reasonable proximity to, the wharf, and
  - (c) 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 as in force for the time being, and
  - (b) keep a copy of the COVID-19 safety plan on the vessel, and
  - (c) 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 and published on the New South Wales Government website.

**Note.** [www.nsw.gov.au](http://www.nsw.gov.au)

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

### 12 Directions—persons boarding and disembarking from vessels

- (1) The Minister directs that the following persons are the only persons authorised to board, and subsequently disembark from, a vessel on which there is a relevant person—
  - (a) a person required to board the vessel to assist the vessel to dock or depart,
  - (b) a person required to board the vessel to assist in refuelling or restocking the vessel,
  - (c) a person required to board the vessel to assist in loading or unloading cargo,
  - (d) a person required to board the vessel to exercise border security, customs or quarantine functions,
  - (e) a medical practitioner or other health practitioner required to board the vessel to provide medical treatment or testing to a person on board the vessel,
  - (f) a person involved in the enforcement of this Order,
  - (g) a person required to board the vessel in an emergency,
  - (h) a person required to board the vessel to repair or maintain the vessel,
  - (i) a person 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 required to board the vessel to undertake ship to shore requirements,
  - (k) an Australian Maritime Safety Authority inspector,

- (l) a person 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.
- (2) The Minister directs that, despite subclause (1), a person is not authorised to board, or disembark from, a vessel if the Commissioner of Police directs in a particular case that the person should not board or disembark from the vessel.
  - (3) The Minister directs that a person who boards a vessel under subclause (1) must take reasonable steps to ensure the person is not exposed to COVID-19.
  - (4) The Minister directs that a person who boards a vessel under subclause (1) must disembark from the vessel immediately after exercising the function for which the person was required to board the vessel.

### **13 Direction—advice provided by Chief Health Officer**

The Minister directs that the Commissioner of Police must, in the exercise of a function under this Order, have regard to advice provided by the Chief Health Officer, or a delegate of the Chief Health Officer, for the purposes of this Order.

### **14 Relationship of Order with Self-Isolation Order**

- (1) A person to whom a direction is given under this Order must continue to comply with any directions applicable to the person under the Self-Isolation Order.
- (2) If a direction applicable to a person under this Order is inconsistent with a direction applicable to the person under the Self-Isolation Order, the direction under the Self-Isolation Order prevails to the extent of the inconsistency.

### **15 Exemptions**

The Minister may, in writing and subject to the conditions the Minister considers appropriate, grant an exemption to this Order.

### **16 Repeal and savings**

- (1) The *Public Health (COVID-19 Maritime Quarantine) Order (No 4) 2020* (the **repealed Order**) is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the repealed Order, had effect under the repealed Order, continues to have effect under this Order.
- (3) Without limiting subclause (2), if, immediately before the commencement of this Order—
  - (a) a person was the subject of a quarantine order under the repealed Order, the quarantine period continues under this Order as if the repealed Order remained in force, and
  - (b) a designation or direction made by the Commissioner of Police under the repealed Order was in force, the designation or direction continues as if it were made under this Order, and
  - (c) an exemption granted by the Minister under the repealed Order was in force, the exemption continues as if it were granted under this Order, and
  - (d) a delegation by the Minister or the Commissioner of Police under the repealed Order was in force, the delegation continues as if it were made for the purposes of this Order.