



Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Amendment Determination (No. 1) 2020

I, Greg Hunt, Minister for Health, make the following determination.

Dated 27 March 2020

Greg Hunt
Minister for Health

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1 Name

This instrument is the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Amendment Determination (No. 1) 2020*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	Immediately after this instrument is registered.	9.45 pm (A.C.T.) 27 March 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under subsection 477(1) of the *Biosecurity Act 2015*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Determination 2020

1 Section 4

Insert:

Collector has the same meaning as in the *Customs Act 1901*.

Note: See subsection 8(1) of that Act.

cruise ship means a vessel that:

- (a) has sleeping facilities for 100 or more passengers; and
- (b) is usually used to provide a service of sea transportation, being a service that:
 - (i) is provided in return for a fee payable by persons using the service; and
 - (ii) is available to the general public.

However, neither of the following is a **cruise ship**:

- (c) the vessel known as Spirit of Tasmania I (IMO Number 9158446; Australian General Register of Shipping number 857101);
- (d) the vessel known as Spirit of Tasmania II (IMO Number 9158434; Australian General Register of Shipping number 857102).

foreign cruise ship means a cruise ship that is a foreign vessel.

2 Section 4 (definition of *international cruise ship*)

Repeal the definition.

3 Section 4

Insert:

overnight voyage means a voyage that commences on a day and ends on any later day.

4 Section 5

Repeal the section, substitute:

5 Requirement for cruise ships not to enter Australian territory or Australian ports before 15 June 2020

Cruise ships outside Australian territory to immediately leave if they enter Australian territory

- (1) The operator of a cruise ship that enters Australian territory before 15 June 2020 on an overnight voyage must cause the ship to immediately leave Australian territory, unless:
 - (a) there is in force permission given by a Collector for the ship:

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- (i) to enter Australian territory; or
 - (ii) to enter a port in Australian territory that the ship has not yet arrived at; or
 - (b) the ship is exercising the right of innocent passage; or
 - (c) the entry is necessary for the purpose of securing the safety of the ship or saving life at sea; or
 - (d) the voyage commenced in Australian territory and is being conducted for the sole purpose of performing necessary maintenance to the ship.

Cruise ships in Australian territory not to enter port in Australian territory

- (2) The operator of a cruise ship that is on an overnight voyage and in Australian territory must cause the ship not to enter a port in Australian territory before 15 June 2020, unless:
 - (a) there is in force permission given by a Collector for the ship to enter the port; or
 - (b) the entry is necessary for the purpose of securing the safety of the ship or saving life at sea; or
 - (c) the voyage commenced in Australian territory and is being conducted for the sole purpose of performing necessary maintenance to the ship.

Permissions—complying with conditions

- (3) If a permission mentioned in paragraph (1)(a) or (2)(a) is given subject to one or more conditions, the operator of the ship must cause the condition or conditions to be complied with.

6 Foreign cruise ships to leave Australian territory

- (1) The operator of a foreign cruise ship that is in Australian territory before 15 June 2020 must cause the ship to leave Australian territory by the time that applies under subsection (2) or (3), unless:
 - (a) there is in force a permission given by a Collector for the ship to remain in Australian territory for a period and that period has not ended; or
 - (b) the ship is exercising the right of innocent passage; or
 - (c) it is necessary for the ship to remain in Australian territory for the purpose of securing the safety of the ship or saving life at sea.
- (2) Unless subsection (3) applies, the time by which the ship must leave Australian territory is as soon as reasonably practicable (having regard to any need to refuel or reprovision the ship) after:
 - (a) if the ship entered Australian territory or an Australian port in accordance with a permission given as mentioned in paragraph 5(1)(a) or (2)(a)—the disembarkation from the ship of all passengers at:
 - (i) if the ship is at a port—that port; or
 - (ii) if the ship is not at a port—the first port that the ship arrives at; or
 - (b) in any other case—the later of:
 - (i) the commencement of this section; and
 - (ii) immediately after the ship's entry into Australian territory.

Schedule 1 Amendments

Note: For the commencement of this section, see section 2 of the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Amendment Determination (No. 1) 2020*.

- (3) If a permission is given as mentioned in paragraph (1)(a), then the time by which the ship must leave Australian territory is immediately after the end of the relevant period.
- (4) If a permission mentioned in paragraph (1)(a) is given subject to one or more conditions, the operator of the ship must cause the condition or conditions to be complied with.