



Work Health and Safety (Operation Sovereign Borders) Declaration 2024

I, General Angus J. Campbell AO DSC, Chief of the Defence Force, make the following declaration.

Dated 28 March 2024

Angus J. Campbell AO DSC
General
Chief of the Defence Force

1 Name

This instrument is the *Work Health and Safety (Operation Sovereign Borders) Declaration 2024*.

2 Commencement

This instrument commences on the day after the instrument is registered.

3 Authority

This instrument is made under subsection 12D(2) of the *Work Health and Safety Act 2011*.

4 Definitions

In this instrument:

Act means the *Work Health and Safety Act 2011*.

illegal maritime arrival means:

- (a) an unauthorised maritime arrival; or
- (b) a person who would be an unauthorised maritime arrival if the person enters Australia.

unauthorised maritime arrival has the same meaning as in the *Migration Act 1958*.

5 Provisions of Act declared not to apply to specified activity

- (1) For subsection 12D(2) of the Act, the following provisions of the Act do not apply in relation to an activity mentioned in subsection (2) or (3):
 - (a) paragraphs 28(a) and (b);
 - (b) paragraphs 29(a) and (b);
 - (c) section 39.
- (2) An activity is the interception, boarding, control or movement, under Operation Sovereign Borders, of a vessel suspected of carrying an illegal maritime arrival as part of:
 - (a) deciding whether to move the vessel to a place outside Australia; or
 - (b) moving the vessel to a place outside Australia.
- (3) An activity is the control or movement at sea, under Operation Sovereign Borders, of a person suspected of being an illegal maritime arrival as part of:
 - (a) deciding whether to move the person to a place outside Australia; or
 - (b) moving the person to a place outside Australia; or
 - (c) moving the person to or from a vessel in the course of paragraph (a) or (b).

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- (4) However, the transfer or movement of a person suspected of being an illegal maritime arrival to an offshore regional processing centre is not part of an activity described in subsection (2) or (3).

Schedule 1—Repeals

Work Health and Safety (Operation Sovereign Borders) Declaration 2013

1 The whole of the instrument

Repeal the instrument