



New South Wales

Public Health (COVID-19 Maritime Quarantine) Order (No 2) 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 24 June 2020 (original order).
As amended on 29 June 2020 at 9 pm.

Minister for Health and Medical Research

Explanatory note

The object of this Order is to deal with the public health risk of COVID-19 and its possible consequences by giving a Ministerial direction that a person who arrives in New South Wales by maritime vessel must undertake mandatory quarantine for a period of 14 days.

Section 10 of the *Public Health Act 2010* creates an offence if an individual fails to comply with a direction with a maximum penalty of imprisonment for 6 months or a fine of up to \$11,000 (or both) plus a further \$5,500 fine each day the offence continues. Corporations that fail to comply with a direction are liable to a fine of \$55,000 and \$27,500 each day the offence continues.

Editorial note

This is the order as amended by the *Public Health (COVID-19 Air Transportation and Maritime Quarantine) Amendment Order (No 2) 2020*.

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Part 1 Preliminary

1 Name of Order

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

2 Commencement

This Order commences at the beginning of 25 June 2020.

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.

full day means a period of 24 hours commencing at 12.00 am and ending at 12.00 am on the following day.

quarantine period means, for a 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, having regard to any testing carried out by or on behalf of NSW Health, the Chief Health Officer is satisfied that the person does not pose a risk of infecting any other person with COVID-19,
 - (ii) 24 full days have passed.

relevant person—see clause 5(1).

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.

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

(2) Notes included in this Order do not form part of this Order.

Note. Section 128 of the *Public Health Act 2010* provides for the delegation of the Chief Health Officer's functions.

4 Grounds for concluding that there is a risk to public health

It is noted that the basis for concluding that 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 international outbreaks of COVID-19, also known as Novel Coronavirus 2019,
- (b) COVID-19 is a potentially fatal condition and is also highly contagious,
- (c) a number of cases of individuals with COVID-19 have now been confirmed in New South Wales, as well as other Australian jurisdictions.

Part 2 Quarantine

5 Directions—persons arriving in NSW on a vessel

- (1) The Minister directs that a person (a *relevant person*) who has arrived in New South Wales on a vessel that has come 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, or
 - (b) is required to do so because of an emergency.
- (2) The Minister directs that a relevant person who is authorised to disembark from a vessel 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.
- (3) The Minister directs that a person required to go to a quarantine facility or hospital or other medical facility under subclause (2) must comply with any determination of the Commissioner of Police in relation to the person's transit at the port or travel to the quarantine facility or hospital or other medical facility.
- (4) The Minister directs that a person required to go to a quarantine facility or hospital or other medical facility under subclause (2) must remain at the quarantine facility or hospital or other medical facility as directed by the Commissioner of Police (or another quarantine facility or hospital or other medical 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 quarantine facility or hospital or other medical facility.

6 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 who is required to board the vessel to assist the vessel to dock or depart,
 - (b) a person who is required to board the vessel to assist in refuelling or restocking the vessel,
 - (c) a person who is required to board the vessel to assist in loading or unloading cargo,
 - (d) a person who is required to board the vessel to exercise border security, customs or quarantine functions,
 - (e) a medical practitioner or other health practitioner who is required to board the vessel to provide medical treatment or testing to a person on board the vessel,
 - (f) a person who is involved in the enforcement of this Order,
 - (g) a person who is required to board the vessel in an emergency.
- (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.

7 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 any advice provided by the Chief Health Officer (or a delegate of the Chief Health Officer) for the purposes of this Order.

8 Exemption

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

Part 3 Repeal and savings provisions

9 Repeal of Order

The *Public Health (COVID-19 Maritime Quarantine) Order 2020* is repealed on the commencement of this Order.

10 Savings

- (1) If, immediately before the commencement of this Order, a person was the subject of a quarantine order under the repealed Order, that quarantine period continues under this Order as if the repealed Order remained in force.
- (2) If, immediately before the commencement of this Order, a designation or direction made by the Commissioner of Police under the repealed Order was in force, that designation or direction continues as if it were made under this Order.
- (3) If, immediately before the commencement of this Order, an exemption granted by the Minister under the repealed Order was in force, that exemption continues as if it were granted under this Order.
- (3A) If, immediately before the commencement of this Order, a delegation by the Commissioner of Police under the repealed Order was in effect, that delegation has effect as if it were made for the purposes of this Order.
- (4) In this clause—
repealed Order means the *Public Health (COVID-19 Maritime Quarantine) Order 2020*.

11 Transitional arrangement for Public Health (COVID-19 Air Transportation and Maritime Quarantine) Amendment Order (No 2) 2020

To remove any doubt, the definition of *quarantine period* in clause 3(1), as inserted by the *Public Health (COVID-19 Air Transportation and Maritime Quarantine) Amendment Order (No 2) 2020* (the *Amendment Order*), applies to a person who was subject to a direction under clause 5(2) immediately before the commencement of the Amendment Order.