



## **Work Health and Safety (Operation Sovereign Borders) Declaration 2013**

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I, General David Hurley AC DSC, Chief of the Defence Force, make the following declaration under the *Work Health and Safety Act 2011*.

Dated: 19 December 2013

General David Hurley  
Chief of the Defence Force

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## 1 Name of declaration

This declaration is the *Work Health and Safety (Operation Sovereign Borders) Declaration 2013*.

## 2 Commencement

This declaration commences on the day after it is registered.

## 3 Authority

This declaration is made under the *Work Health and Safety Act 2011*.

## 4 Definitions

In this declaration:

*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.

## 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:
  - (a) as part of considering whether to move the vessel to a place outside Australia; or
  - (b) as part of 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:
  - (a) while considering whether to move the person to a place outside Australia; or
  - (b) while moving the person to a place outside Australia; or
  - (c) while moving the person to or from a vessel in the course of paragraph (a) or (b).
- (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).