

Work Health and Safety (Operation Sovereign Borders) Declaration 2013

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

Dated:

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).