



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

made under subsection 477(1) of the

Biosecurity Act 2015

Compilation No. 2

Compilation date: 21 May 2020

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About this compilation

This compilation

This is a compilation of the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Cruise Ships) Determination 2020* that shows the text of the law as amended and in force on 21 May 2020 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This instrument is the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements for Cruise Ships) Determination 2020*.

3 Authority

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

4 Definitions

Note: A number of expressions used in this instrument are defined in the *Biosecurity Act 2015*, including the following:

- (a) Australian territory;
- (b) foreign vessel;
- (c) operator;
- (d) passenger;
- (e) port.

In this instrument:

cessation time means the end of 17 September 2020.

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.

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

Part 2—Requirements

5 Requirement for cruise ships not to enter Australian territory or Australian ports before cessation time

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 the cessation time 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:
 - (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 the cessation time, 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 the cessation time must cause the ship to leave Australian territory by the time that applies under subsection (2) or (3), unless:

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- (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) 9.45 pm, by legal time in the Australian Capital Territory, on 27 March 2020; and
 - (ii) immediately after the ship’s entry into Australian territory.
- (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.

Endnotes

Endnote 1—About the endnotes

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Determination 2020	18 Mar 2020 (F2020L00267)	18 Mar 2020 (s 2(1) item 1)	
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Amendment Determination (No. 1) 2020	27 Mar 2020 (F2020L00339)	27 Mar 2020 (s 2(1) item 1)	—
Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Amendment Determination (No. 2) 2020	20 May 2020 (F2020L00594)	21 May 2020 (s 2(1) item 1)	—

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 1	am F2020L00594
s 2	rep LA s 48D
s 4	am F2020L00339; F2020L00594
Part 2	
s 5	rs F2020L00339
	am F2020L00594
s 6	ad F2020L00339
	am F2020L00594