

Public Health Act 1997

DIRECTION UNDER SECTION 16

(Cruise Ships – No. 3)

I, MARK VEITCH, the Director of Public Health, in pursuance of section 16 of the *Public Health Act 1997* ("the Act"), in order to manage the threat to public health posed by the notifiable disease known as COVID-19 ("the disease"), direct that –

- (a) a person must not operate a cruise service within Tasmania if the cruise service is not an authorised cruise service; and
- (b) before embarking on a vessel being used to provide an authorised cruise service, a person must –
 - (i) be fully vaccinated in respect of the disease; and
 - (ii) receive –
 - (A) a negative result from a PCR test taken within the 72-hour period immediately before embarking on the vessel; or
 - (B) a negative result from a Rapid Antigen Test taken within the 24-hour period immediately before embarking on the vessel; and
 - (iii) have not subsequently received a positive result from a test for the disease before embarking on the vessel; and
- (c) paragraph (b)(i) does not apply to a person embarking on a vessel if –
 - (i) the person –
 - (A) is unable to be vaccinated against the disease due to a medical contraindication; and
 - (B) holds –
 - (I) a document, in a form approved by the Director of Public Health or his or her delegate, by a medical practitioner, within the meaning of the *Acts Interpretation Act 1931*, that certifies that the person has a medical contraindication that prevents the person from being vaccinated; or

- (II) a medical exemption, that applies to the vaccinations for the disease, that is recorded in respect of the person on the Australian Immunisation Register, operated by or on behalf of the Commonwealth Government; or
 - (ii) the person is ineligible, due to the person's age, to be vaccinated against the disease until a later phase of the vaccination program recognised by the Director of Public Health or his or her delegate; and
- (d) paragraph (b)(ii) and (iii) do not apply to a person who is embarking on a vessel if –
- (i) the person –
 - (A) is employed or engaged as a crew member of the vessel being used to provide the service; and
 - (B) is only on board the vessel due to being employed or engaged as such a crew member; and
 - (C) complies with paragraph (l); or
 - (ii) the person –
 - (A) complied with paragraph (b)(ii) and (iii) when first embarking on the vessel; and
 - (B) is only re-embarking on the vessel –
 - (I) after disembarking from the vessel as part of an activity, or stop, that is provided as part of the authorised cruise service; and
 - (II) while the vessel is providing that authorised cruise service; or
 - (iii) the person holds a medical certificate –
 - (A) that has been issued by a medical practitioner, within the meaning of the *Acts Interpretation Act 1931*, no more than 14 days before the person initially embarked on the vessel; and
 - (B) which states that –
 - (I) the person is unable to take a test for the disease, or to return a negative test for the disease, due to the person being previously infected with the disease; and

- (II) the person is not considered infectious in respect of the disease; and
 - (III) all clinical symptoms, displayed by the person in respect of the disease, have clinically resolved for at least 3 days before the medical certificate was issued; and
- (e) paragraph (b) does not apply to a person embarking on a vessel if –
 - (i) the person is only present on the vessel for the purposes of providing medical treatment, emergency management or law enforcement; or
 - (ii) the person is only present on the vessel –
 - (A) due to his or her employment, or engagement, as a pilot within the meaning of the *Navigation Act 2012* of the Commonwealth; and
 - (B) the person spends less than 24 hours on the vessel as part of his or her employment or engagement; or
 - (iii) the person is only present on the vessel due to his or her employment, or engagement, by the port operator, within the meaning of the *Marine and Safety Authority Act 1997*, for the port or facility where the vessel is located; or
 - (iv) the person is only present on the vessel for the purpose of –
 - (A) undertaking delivery of goods to the vessel; or
 - (B) removing items or refuse from the vessel; or
 - (C) performing cleaning, maintenance or repair on board, or to, the vessel; and
- (f) a person to whom paragraph (e)(ii), (iii) and (iv) applies, while on a vessel being used to provide an authorised cruise service, must wear a fitted face covering while he or she is present on the vessel; and
- (g) paragraph (f) does not apply in respect of the following persons:
 - (i) a child who has not attained the age of 12 years;
 - (ii) a person who holds a medical certificate, or other documentation by a medical practitioner, within the meaning of the *Acts Interpretation*

Act 1931, that certifies that the person has a physical, or mental health, illness, condition or disability that makes the wearing of a fitted face covering unsuitable;

- (iii) a person who holds an exemption, or is a person within a class of persons specified in an exemption, from the requirements of paragraph (f) that is given by the Director of Public Health or his or her delegate; and

- (h) paragraph (f) does not apply to a person in the following circumstances if the person wears a fitted face covering as soon as is practicable after the relevant circumstances end:
 - (i) the person removes the fitted face covering to communicate with a person who is deaf, or has impaired hearing, and visibility of the mouth is essential for the communication;
 - (ii) the wearing of the fitted face covering would create a risk to the health or safety of the person;
 - (iii) the person removes the fitted face covering to enable clear enunciation, or visibility of the mouth, as part of his or her employment or training;
 - (iv) the person is orally consuming food, drink or medicine;
 - (v) the person is undergoing medical care, or treatment, that is unable to be provided while the person wears a fitted face covering;
 - (vi) the person is requested to remove the fitted face covering to ascertain or confirm the identity of the person;
 - (vii) the person may lawfully remove, or is lawfully required to remove, the fitted face covering;
 - (viii) an emergency where it is not practicable or safe to wear the fitted face covering;
 - (ix) such other circumstances that are specified in an exemption, from the requirements of paragraph (f), that is given by the Director of Public Health or his or her delegate; and

- (i) a person required under paragraph (f) to wear a fitted face covering on a vessel being used to provide an authorised cruise service, other than a

person to whom paragraph (g) applies, must carry a fitted face covering while he or she remains on the vessel; and

- (j) the operator of an authorised cruise service –
 - (i) must ensure that each person who intends on embarking on the vessel being used to provide the cruise service is notified, before so embarking on the vessel, that –
 - (A) persons are required to be fully vaccinated in respect of the disease to embark on the vessel; and
 - (B) persons must return a negative result from a test for the disease as required under paragraph (b)(ii); and
 - (ii) may only permit a person to embark on the vessel if the operator is satisfied that the person –
 - (A) is fully vaccinated in respect of the disease or is a person to whom paragraph (c) applies; and
 - (B) has returned a negative result from a test for the disease as required under paragraph (b)(ii); and
 - (C) has not subsequently returned a positive result from a test for the disease before embarking on the vessel; and
- (k) paragraph (j) does not apply in respect of a person to whom paragraph (e) applies if the person is complying with the requirements of paragraph (f), if applicable; and
- (l) a crew member of a vessel being used to provide an authorised cruise service is required to –
 - (i) provide evidence that the last test for the disease that has been performed on the crew member was negative for the disease; and
 - (ii) undergo a test for the disease within 7 days, but no later than 24 hours, before the first passenger embarks on the vessel if –
 - (A) the test referred to in subparagraph (i) was not performed within the 7-day period before the first passenger embarks on the vessel; or

- (B) the crew member does not provide evidence of a test as required in subparagraph (i); and
 - (iii) undergo a test for the disease within each 7-day period after his or her last preceding test for the disease until –
 - (A) at least 7 days have passed since the last passenger disembarked from the vessel and the cruise service is completed; and
 - (B) he or she has undergone at least one test for the disease since the last passenger so disembarked; and
 - (iv) while the crew member is in Tasmania, carry evidence of the date of his or her last test for the disease; and
- (m) the Director of Public Health, or his or her delegate, may direct the operator of a cruise service to take such action in respect of the cruise service, or vessel providing the cruise service, as is specified by the Director of Public Health or delegate, if the Director of Public Health or delegate is satisfied that the action is necessary to manage a threat, or likely threat, to public health in respect of the disease; and
- (n) in this direction –
 - (i) **authorised cruise service** means a cruise service, provided by a vessel, where –
 - (A) passengers of the cruise service only embark and disembark the vessel within Tasmania; and
 - (B) the number of passengers on board the vessel at any one time does not exceed 99 persons; and
 - (ii) **clinical symptoms**, in respect of the disease, means the following symptoms:
 - (A) a temperature of 37.5°C or more;
 - (B) night sweats;
 - (C) chills;
 - (D) coughing;
 - (E) shortness of breath;
 - (F) sore throat;

- (G) loss of taste;
- (H) loss of smell; and
- (iii) **cruise service** means the carriage of passengers on a vessel, whether to and from the same port or different ports –
 - (A) for the purposes of the leisure and pleasure of those passengers; and
 - (B) where the passengers spend more than 24 hours on the vessel as part of the service; and
 - (C) where the cruise service is operated commercially; and
- (iv) **evidence of the vaccination status**, in respect of a person, means –
 - (A) a vaccination certificate in respect of the disease issued to the person by the Australian Immunisation Register, operated by or on behalf of the Commonwealth Government; or
 - (B) an equivalent document from a jurisdiction outside of Australia that is issued to the person and is recognised by the Commonwealth Government or the Director of Public Health; or
 - (C) evidence, that is recognised by the Director of Public Health, that a person has been issued with a document referred to in sub-subparagraph (A) or (B); and
- (v) **fitted face covering** means a covering, other than a shield, that fits securely around the face and is designed, or made, to be worn over the nose and mouth to provide protection against infection; and
- (vi) **fully vaccinated**, in respect of the disease, means a person has received all of the doses of a vaccine for the disease that is necessary for the person to be issued with evidence of the vaccination status of the person; and
- (vii) **operator**, of a cruise service, means the person who controls the day-to-day operation of the vessel that is providing the cruise service; and
- (viii) **PCR test** means a nucleic acid detection test, for the genetic material of SARS-CoV-2, conducted by a laboratory with the relevant accreditation, for such a test, by the National Association of Testing Authorities; and

- (ix) **Rapid Antigen Test** means a test, to detect the presence of a viral protein from SARS CoV-2, that –
 - (A) is intended for use primarily outside a laboratory; and
 - (B) is not based on nucleic acid detection methods such as a polymerase chain reaction; and
 - (C) is approved, by the Therapeutic Goods Administration, for use in Australia; and
- (x) **State waters** has the same meaning as in the *Living Marine Resources Management Act 1995*; and
- (xi) **test for the disease** means a PCR test or a Rapid Antigen Test; and
- (xii) **vaccine for the disease** includes –
 - (A) a vaccine that is registered, for use in respect of the disease, by the Therapeutic Goods Administration; and
 - (B) a vaccine that, in advice issued by the Therapeutic Goods Administration, the Therapeutic Goods Administration considers to be a “recognised vaccine” in respect of the disease; and

- (o) the *Acts Interpretation Act 1931* applies to the interpretation of this direction as if it were regulations made under the Act; and

- (p) the direction, given by me on 14 December 2021 and entitled *Cruise Ships – No.2*, is revoked.

Dated: 14 April 2022

Signed: 

Director of Public Health