



Australian Government
Department of Agriculture,
Water and the Environment

ANDREW METCALFE AO
SECRETARY

14 August 2020

Senator Katy Gallagher
Chair Senate Select Committee on COVID-19

Via email: covid.sen@aph.gov.au

Dear Senator Gallagher

Thank you for your correspondence of 12 August 2020, requesting that I reflect on the evidence I provided to the Committee on 5 May 2020, and your invitation to provide further evidence.

While my statements to the Committee were complete and consistent with my understanding of the facts at the time, I welcome the opportunity to provide further information relevant to the issues raised in your letter.

As you note, my department is working under challenging conditions in relation to Australia's national response to COVID 19. We are active in many areas, not least being in relation to plant and animal biosecurity. This is an important role, and is achieved through regulation and partnering to help protect Australia's \$60 billion agricultural industries, our unique environment, and our way of life.

The Committee will be aware from my earlier evidence, that my role under the *Biosecurity Act 2015 (Act)* as the Director of Biosecurity generally relates to the assessment and management of plant and animal biosecurity risk.

The Director of Human Biosecurity has general policy and operational responsibility under the chapter of the Act which deals with the prevention and management of risks to human health. The Director of Human Biosecurity is the Commonwealth Chief Medical Officer in the Department of Health. The Chief Medical Officer's role is given practical effect by authorising human biosecurity officers and chief human biosecurity officers. These officers must have appropriate clinical experience before being appointed. In general, these officers are employees of the State or Territory bodies responsible for the administration of health services.

Pursuant to arrangements with the Department of Health, officers of my department provide services in relation to human health screening, as they are physically present at many airports and ports. However, they are not medically trained, and it is appropriate that they rely heavily on the advice of medically trained human biosecurity officers.

As you note, the Commonwealth has made a number of voluntary submissions to the Special Commission of Inquiry into the *Ruby Princess (Special Commission)*. These provide a comprehensive overview of the actions of the Commonwealth undertaken in relation to the arrival of the *Ruby Princess*. This includes the engagement of this department with NSW Health and the establishment of practices to facilitate the

clearance of cruise vessels under the extraordinary pressures posed by the worldwide spread of COVID-19. To assist the Committee, I attach the voluntary submissions made by the Commonwealth on 12, 16, 31 July and 3 August 2020 (**Submissions**) to the NSW Special Commission of Inquiry into the *Ruby Princess*.

I have not sought to address each of your points relating to actions of Australian Border Force (**ABF**) officers, on the basis that those generally are properly matters for the ABF. I also understand that the reference to an official communicating COVID-19 test results is intended to be a reference to an ABF official.

As a preliminary point, I would like to note some of the key points included in the Commonwealth's voluntary submissions generally:

- The assessment of human health risk on arriving cruise ships into NSW ports is principally a matter for NSW Health. Department of Agriculture, Water and the Environment (DAWE) biosecurity officers rely heavily on the advice of the medically trained human biosecurity officers and the chief human biosecurity officer at NSW Health.
- All decisions about human health risks on board the vessel were made in accordance with the practice established with NSW Health that its officers would attend if the assessment of risk was greater than "low risk".
- DAWE biosecurity officers therefore correctly concluded that NSW Health had assessed the risk of the *Ruby Princess* as being low. While NSW Health's assessment ultimately was not accurate, it was nevertheless not for DAWE biosecurity officers to second guess or undercut conclusions reached by medically trained human biosecurity officers.
- ABF officers did not, and could not provide practical pratique; the department's biosecurity officer granted pratique.

I have set out responses to your specific points below.

Statement 1

As noted in the Submissions, DAWE biosecurity officers acted in accordance with their understanding of the way in which health risk was to be assessed and managed. It is therefore correct to state that my department's biosecurity officers relied on the advice of the health authorities.

I am advised that an expert panel of four doctors were involved in the NSW Health Department assessment of the *Ruby Princess* being a low-risk vessel. DAWE biosecurity officers acted on that advice.

I would like to clarify and provide further detail in relation to my statement that officers acted in accordance with the relevant health protocols. As set out in paragraphs 46 to 49 of the 16 July Submission, the Human Health Inspection was completed by biosecurity officers. However, the Traveller Illness Checklist (TIC) was not administered.

This approach was not consistent with the *National Protocol for managing novel coronavirus disease (COVID-19) risk from cruise ships*. It was, however, consistent with the department's long-standing operational practices within the Port of Sydney.

The issue relating to the administration of the Traveller Illness Checklist was brought to my attention during the preparation of the Submission.

Statement 2

As set out above, it is correct that my officers relied entirely on the health authorities. As stated in the Submissions, DAWE biosecurity officers are not medically trained and were entitled to conclude that NSW Health had assessed the human health risk of the *Ruby Princess* as low, and as not warranting further action, and to rely on that assessment in granting pratique.

While this inference was correctly drawn, I do not consider this process to be the preferable method for NSW Health, or any health department to convey health risk assessment advice. Accordingly, the department has worked with the Department of Health and State and Territory health authorities on the development of the new national protocol for the assessment of human health risk. This will provide greater clarity in relation to crucial health advice provided by human biosecurity officers.

In relation to your concern that ABF and not a biosecurity officer that granted pratique, I confirm that it was a DAWE biosecurity officer, as set out in the Submissions. While a matter for ABF, any permissions granted by its officer could only have related to ABF legislative responsibilities.

Pratique was granted by a biosecurity officer at 7:37 am. I respectfully disagree that paragraph 52.1 of the 16 July Submission should be characterised as stating that the actions of the ABF officer constituted the practical granting of pratique.

Pratique would ordinarily have been granted by the DAWE biosecurity officer on completion of the Routine Vessel Inspection form in the department's system. It would then be formally recorded by issuance of a biosecurity status document. In this case, while the DAWE biosecurity officer sought to complete this process while on board the vessel, issues with connecting to the system through her tablet meant that the final submission of the completed form was delayed until 7:37 am.

The phrase used in the 16 July Submission refers to what may have reasonably been inferred by the operator of the *Ruby Princess*, in that the relevant officer had completed all necessary processes for granting of pratique.

As set out in the 16 July Submission, the delay in formally granting pratique in MARS did not have a practical consequence in this case. This is particularly the case noting the further confirmation sought and obtained from NSW Health by biosecurity officers at 7:31 am, stating that NSW Health still considered the risk associated with the *Ruby Princess* to be low.

In relation to your concern that the DAWE biosecurity officer relied on an ABF official's interpretation of medical results, this does not align with the sequence of events. As you note, the relevant email containing the results was first sent to an email account maintained by the department at 10:05 am. This is after both the decision to grant pratique, the subsequent confirmation of the risk assessment by NSW Health at 7:31 am and the formal record of pratique being provided to the *Ruby Princess*'s operator at 7:37 am. It could therefore not have influenced the decision to grant pratique.

Thank you for the opportunity to provide this further response to the Committee.

Yours sincerely,

Andrew Metcalfe AO



Special Commission of Inquiry into the Ruby Princess

EXHIBIT 114

Voluntary Statement of the Commonwealth of Australia dated 12 June 2020



Australian Government Solicitor

Voluntary Statement to the Special Commission of Inquiry into the Ruby Princess

**Commonwealth of Australia (represented by the
Department of Health, the Department of Home
Affairs and the Department of Agriculture,
Water and the Environment)**

12 June 2020

The Australian Government Solicitor
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Contact: Simon Daley, Chief Solicitor

File ref: 20203214

Part I: Introduction

1. By letters patent issued on 15 April 2020, the Governor of New South Wales established the Special Commission of Inquiry into the Ruby Princess (Commission).
2. The terms of reference are set out in the letters patent, and require that the Special Commissioner inquire into and report, and make recommendations, to the NSW Government on certain matters. Those matters include the communications, decisions and actions of the Commonwealth, specifically (but not confined to) the Australian Border Force (ABF), which is part of the Department of Home Affairs (Home Affairs), and the Department of Agriculture, Water and the Environment (Agriculture).

BASIS FOR VOLUNTARY STATEMENT

3. The Commonwealth (represented by Home Affairs, Agriculture and the Department of Health (Commonwealth Health)) makes this statement to assist the Commission.
4. As stated in AGS's letter to the Commission of 15 May 2020, this statement (and the accompanying production of documents) is made voluntarily. It should not be taken as a concession that the Commonwealth or its officers and employees are bound by the *Special Commissions of Inquiry Act 1983* (NSW) or are subject to any of the Commission's coercive powers.¹ The Commission indicated by letter dated 15 May 2020 that it will not take this statement as being any such indication.²

SCOPE OF VOLUNTARY STATEMENT

5. This statement describes the legal and policy framework within which actions of officers of Commonwealth Health, Home Affairs (including officers of ABF) and Agriculture in relation to the Ruby Princess occurred. It provides a narrative chronology of key communications, decisions and actions of ABF, Agriculture and Commonwealth Health, having regard to the steps contemplated by that legal framework.
6. The statement is based upon the review and inquiries conducted to date by, and on behalf of, Commonwealth Health, Home Affairs and Agriculture. It has been prepared within a limited time frame and on the basis of materials identified as a result of those inquiries and available as at the date of this statement.
7. Where a document is referred to in the statement, that document is provided. A small number of the documents accompanying the statement contain sensitive information, which has been redacted. Where information has been redacted, the reason for that redaction is explained in the index at page 42.

¹ Letter from AGS to Commission, 15 May 2020 (AGS.0001.0001.0001).

² Letter from Commission to AGS, 15 May 2020 (AGS.0001.0001.0003).

PREPARATION OF STATEMENT

8. This statement has been prepared by the Australian Government Solicitor with the assistance of Ruth Higgins SC, Joanna Davidson and Matthew Sherman of counsel.

Part II: Overview of law, policy and procedure

COMMONWEALTH BIOSECURITY CLEARANCE PROCESSES

9. The *Biosecurity Act 2015* (Cth) (Biosecurity Act) provides for the assessment and management of risks to human health arising from the entry of conveyances into Australian territory, including cruise ships.³ These aspects of the Biosecurity Act are administered by Commonwealth Health.⁴ However, because Commonwealth Health does not have officials at Australia's First Points of Entry, Commonwealth Health has entered into administrative arrangements for those functions to be performed by Agriculture Biosecurity Officers,⁵ supported by State and Territory health departments who are responsible for providing day-to-day human biosecurity services at Australia's border and resourcing human biosecurity emergencies.⁶ Further details about these arrangements are outlined at [25]-[31].
10. In response to the COVID-19 emergency, NSW Health developed practical arrangements for the provision of human biosecurity services by which it would undertake a 'risk assessment' in relation to each incoming cruise ship, the outcome of which would determine whether or not NSW Health attended the cruise ship arrival. These practical arrangements are described in Part 3 at [97].
11. The Biosecurity Act replaced the *Quarantine Act 1908* (Cth) (Quarantine Act). Among other things, the Biosecurity Act was designed to create a clearer legislative framework for the management of biosecurity risks and provide for effective measures to manage the public health risk posed by serious communicable diseases.⁷
12. The Biosecurity Act provides for a range of powers relating to the prevention, assessment and management of risks to human health. Many of these powers are available in relation to a 'listed human disease' – ie, a human disease that the Director of Human Biosecurity determines is a listed human disease under s 42(1) of that Act. COVID-19 (Human coronavirus with pandemic potential) is such a disease.⁸ The human biosecurity powers under the Act are generally available to manage the risk of contagion by COVID-19, or COVID-19 entering, or emerging, establishing itself or spreading in, Australia.⁹

³ Biosecurity Act, s 16 and s 9 (definition of 'vessel') and Ch 4.

⁴ Commonwealth Administrative Arrangement Order, 5 December 2019, p 19.

⁵ Head Memorandum of Understanding for the collaborative working relationship between Agriculture and Health, 19 October 2017 (HEA.0001.0001.0253); Schedule 3 – Human Biosecurity Services, Schedule to MOU, 28 November 2018 (HEA.0001.0001.0263).

⁶ See Schedule: Agreement with the States and Territories for the provision of Human Quarantine Services, 13 December 2016 at Recital (d), the definition of 'Project' within 'Activity Details' and the definition of 'Services' (HEA.0001.0001.0009).

⁷ Explanatory Memorandum to the Biosecurity Bill 2014, pp 8 - 11.

⁸ Biosecurity Act, s 42; s 4(h) of the *Biosecurity (Listed Human Diseases) Determination 2016* (Cth). COVID-19 was declared a listed human disease under s 42 on 21 January 2020: see *Biosecurity (Listed Human Diseases) Amendment Determination 2020* (Cth).

⁹ Biosecurity Act, s 34(1)(a) and (b).

Authorisations under the Biosecurity Act

13. The powers in the Biosecurity Act that are relevant to biosecurity clearance of an arriving cruise ship are held by the Commonwealth Health Minister and various officers including:
- a. the 'Director of Biosecurity', who is 'the person who is, or is acting as, the Agriculture Secretary'¹⁰
 - b. the 'Director of Human Biosecurity', who is 'the person who occupies, or is acting in, the position of Commonwealth Chief Medical Officer'¹¹
 - c. 'chief human biosecurity officers' (CHBOs), who are persons authorised to be CHBOs by the Director of Human Biosecurity under s 562(1) of the Biosecurity Act
 - d. 'human biosecurity officers' (HBOs), who are persons authorised to be HBOs by the Director of Human Biosecurity under s 563(1) of the Biosecurity Act
 - e. 'biosecurity officers', who are persons authorised to be biosecurity officers by the Director of Biosecurity under s 545(1) of the Biosecurity Act.

Authorisation of biosecurity officers

14. The Director of Biosecurity (or a delegate)¹² may authorise an officer or employee of the Commonwealth or of a State or Territory body, or a member of the Australian Defence Force, to be a biosecurity officer (Biosecurity Act, s 545). A biosecurity officer has the functions and powers conferred on a biosecurity officer by the Biosecurity Act and subject to any restrictions specified in the biosecurity officer's instrument of authorisation (s 550).
15. There are currently 2,428 biosecurity officers authorised by name in the instrument made by the delegate of the Director of Biosecurity under s 545.¹³ Among these 2,428 people, officers or employees of various Commonwealth agencies have been so authorised as biosecurity officers, including officers or employees of Agriculture. Those 2,428 people include several ABF officers performing duties at remote ports or ports where no biosecurity officer is located nearby. This does not include any ABF officers working in Sydney or any of the ABF officers who attended the Overseas Passenger Terminal (OPT) on 19 March 2020.

Authorisation of HBOs and CHBOs

16. The Director of Human Biosecurity may authorise an officer or employee of Commonwealth Health, or an officer or employee of the State or Territory body responsible for the administration of health services in a State or Territory, to be a

¹⁰ Biosecurity Act, s 540(1) and s 9 (definition of 'Agriculture Secretary').

¹¹ Biosecurity Act, s 544(1).

¹² The Director of Biosecurity may delegate any of the Director's functions or powers under the Act, other than certain specified functions and powers: s 542.

¹³ Biosecurity Act – Instrument of appointment (authorisation of biosecurity officers), 1 February 2020 (HEA.0003.0001.0001).

HBO (s 563(1)(a)).¹⁴ The Director of Human Biosecurity must be satisfied that the relevant officer or employee has appropriate clinical experience before making such an authorisation (s 563(1)(b)).¹⁵ A HBO has the functions and powers conferred on a HBO under the Biosecurity Act, subject to restrictions imposed on their instrument of authorisation. In performing functions or exercising powers under the Biosecurity Act, a HBO must comply with any directions of the Director of Human Biosecurity (s 566).

17. The Director of Human Biosecurity may also authorise a person to be a CHBO for a State or Territory if the person is a medical practitioner employed by the State or Territory body responsible for the administration of health services in the State or Territory (s 562(1)).
18. Under an authorisation made on 2 March 2020, the Director of Human Biosecurity authorised 100 HBOs and 8 CHBOs under ss 562(1) and 563(1).¹⁶
19. As part of the training requirements outlined in the *Biosecurity (Training and Qualification Requirements for Human Biosecurity Officials) Determination 2016* (Cth), Commonwealth Health requires CHBOs and HBOs to complete a training module which covers, among other things, the role and appointment of CHBOs and HBOs, the management of listed human diseases, assessing travellers at the border, administration of the traveller illness checklist, human biosecurity control orders, pratique, human biosecurity emergencies and human health response zones.

The arrangements in place for the authorisation of NSW officials as a CHBO for NSW and as HBOs

20. In order for an employee of a State or Territory to be authorised by the Director of Human Biosecurity to be a CHBO or a HBO, there must be an 'arrangement in force under s 564 in relation to the practitioner' (Section 564 Arrangement).¹⁷
21. A Section 564 Arrangement is an arrangement between the Commonwealth Health Minister and a State or Territory body for officers or employees of the body to be authorised as CHBOs for that State or Territory or as HBOs.¹⁸ It is not a legislative instrument (s 564(2)).
22. The instrument that was in place under ss 562 and 563 at the relevant time for the exercise of powers in connection with the Ruby Princess, is the instrument made by the Director of Human Biosecurity on 2 March 2020.¹⁹

¹⁴ See also Commonwealth Health, Standard Operating Procedure – Appointing and Revoking of CHBOs and HBOs, August 2019 (HEA.0001.0001.0158).

¹⁵ As to which, see the materials referenced in footnote 14 above.

¹⁶ *Biosecurity (Human Biosecurity Officials) Authorisation (No. 6) 2020* (Cth) (HEA.0001.0001.0147) (Human Biosecurity Officials Authorisation).

¹⁷ Biosecurity Act, ss 562(2) and 563(2).

¹⁸ Biosecurity Act, s 564.

¹⁹ Human Biosecurity Officials Authorisation.

23. Relevantly, that instrument authorises:
- a. Dr Sean Tobin as the CHBO for New South Wales²⁰
 - b. 27 persons employed by the 'New South Wales health services administration body' as HBOs for New South Wales, including Professor Mark J Ferson.²¹
24. In respect of the authorisation of these NSW employees, a Section 564 Arrangement was in place when the instrument of authorisation was made.²² This Section 564 Arrangement is in the form of:
- a. an exchange of letters in May and June 2016 between the then Commonwealth Health Minister and the then Director, Communicable Diseases Health Protection NSW²³
 - b. an agreement dating from 2016 between the Commonwealth (represented by, and acting through, Commonwealth Health) and the State of New South Wales which includes a Schedule titled 'SCHEDULE: Agreement with the States and Territories for the provision of Human Quarantine Services' (the Agreement).²⁴
25. As the recitals to the Agreement between the Commonwealth and the State of New South Wales explained:
- (a) The Commonwealth has constitutional responsibility for quarantine (including biosecurity).
 - (b) The Commonwealth's objective in relation to human biosecurity matters is to protect the Australian public from serious communicable diseases, particularly new, exotic and re-emerging infectious diseases through human biosecurity activities.
 - (c) [Commonwealth Health] is responsible for administering the human health aspects of the *Biosecurity Act 2015* which is a key element of the Commonwealth's biosecurity programme.
 - (d) [Commonwealth Health] does not have officials at Australia's First Points of Entry to perform human biosecurity services. These activities are performed by [Agriculture biosecurity officers], supported by state and territory health departments and the Department.
 - (e) [Commonwealth Health] has therefore agreed to fund the State for the Project on the terms of this Agreement.

²⁰ Human Biosecurity Officials Authorisation, item 1 in the table in s 5.

²¹ Human Biosecurity Officials Authorisation, s 7.

²² Biosecurity Act, ss 562(2) and 563(2).

²³ Letter from the Hon Sussan Ley MP, Health Minister, to Dr Vicky Sheppard, Chief Human Quarantine Officer, NSW Health, 31 May 2016 (HEA.0001.0001.0006); Letter from Dr Vicky Sheppard, Chief Human Quarantine Officer, NSW Health to the Hon Susan Ley MP, Health Minister, 3 June 2016 (HEA.0001.0001.0008).

²⁴ Schedule: Agreement with the States and Territories for the provision of Human Quarantine Services, 13 December 2016 (HEA.0001.0001.0009).

26. Among other things, the Agreement outlined the human biosecurity services to be provided by the State of New South Wales as follows:
 - (a) routine, day-to-day human biosecurity services at the Australian border, including by:
 - (i) screening travellers at Australia's international border for listed human diseases; and
 - (ii) managing the treatment of travellers at Australia's international border for listed human diseases; and
 - (b) resourcing for human biosecurity emergencies (if required, based on an assessment according to the individual circumstances of each incident).
27. The Agreement also provided for a number of activities to be performed as part of the services, including to: '(vi) provide advice to [Agriculture] Biosecurity Officers concerning measures to be taken to treat a vessel or other biosecurity measures to be performed if a vessel is suspected to have a communicable disease on board.'
28. It follows that:
 - a. Dr Sean Tobin has the functions and powers conferred on a CHBO by the Biosecurity Act
 - b. the 27 NSW officers identified in the instrument (including Professor Mark J Ferson) have the functions and powers conferred on those roles under the Biosecurity Act:
 - The instrument of authorisation does not restrict the functions and powers of any of the persons authorised as HBOs (for s 566 of the Act).
 - In performing functions or exercising powers under the Biosecurity Act, the officers must also comply with any directions of the Director of Human Biosecurity.

Arrangements between Commonwealth Health and Agriculture

29. On 19 October 2017, Commonwealth Health and Agriculture entered into a memorandum (MOU), which was supplemented on 28 November 2018 by a schedule relating to human biosecurity services.²⁵
30. The Schedule to the MOU outlines that, in relation to information on the state of health on board incoming vessels, Agriculture records human biosecurity compliance measures through pre-arrival reporting, provides information to Commonwealth Health where needed and provides information to operators about pre-arrival reporting obligations. Commonwealth Health develops business policies for pre-arrival reporting of ill travellers, including the signs and symptoms of listed human diseases.

²⁵ Head Memorandum of Understanding for the collaborative working relationship between Agriculture and Health, 19 October 2017 (HEA.0001.0001.0253); Schedule 3 – Human Biosecurity Services, Schedule to MOU, 28 November 2018 (HEA.0001.0001.0263).

31. In relation to the granting of pratique to incoming conveyances subject to negative pratique, including vessels, biosecurity officers employed by Agriculture grant pratique, while Commonwealth Health maintains and reviews policies related to pratique. The work instructions that apply to biosecurity officers are designed to be consistent with Commonwealth Health's policies relating to pratique (including for the purpose of ensuring that pratique is granted once human biosecurity risk is addressed).

COMMONWEALTH HEALTH HUMAN BIOSECURITY POLICIES

32. Consistently with the MOU described above, Commonwealth Health has developed a range of policies, procedures, guidelines and protocols which relate to, or consider, epidemics or pandemics, control of infectious diseases, cruise ships and/or people arriving from overseas.

Commonwealth Health Emergency Response Plans

33. The current Australian Health Management Plan for Pandemic Influenza (AHMPPI) outlines the agreed arrangements between Commonwealth Health and State and Territory departments to guide the response to an influenza pandemic.²⁶ The AHMPPI is published on Commonwealth Health's website.²⁷
34. The AHMPPI was designed to be an evolving document. Commonwealth Health undertakes work periodically to add to the evidence base that is used to inform decisions about the content of the AHMPPI. The AHMPPI guides the national health sector response to a pandemic through a series of flexible strategies able to be tailored to varying State and Territory requirements and resources. State and Territory Governments also have pandemic or communicable disease plans in place, which are broadly consistent with the AHMPPI.
35. On 17 February 2020, the AHPPC endorsed the Australian Health Sector Emergency Response Plan for Novel Coronavirus (COVID-19) (Response Plan).²⁸ The Response Plan was based on the AHMPPI and it is intended that it will be periodically updated. The Response Plan was developed in consultation with States and Territories, Home Affairs (including Emergency Management Australia) and the Department of Prime Minister and Cabinet. It is designed to support and help coordinate government health agencies and is available on Commonwealth Health's website.²⁹

Commonwealth Health Factsheets

36. Commonwealth Health developed two factsheets for international travellers: 'Information for International Travellers' (Information Factsheet) and 'Isolation

²⁶ AHMPPI, Australian Health Management Plan for Pandemic Influenza, August 2019 (HEA.0005.0001.0029).

²⁷ <https://www1.health.gov.au/internet/main/publishing.nsf/Content/ohp-ahmpipi.htm>

²⁸ Commonwealth Health, Australian Health Sector Emergency Response Plan for Novel Coronavirus (COVID-19), 2020 (HEA.0005.0001.0261).

²⁹ <https://www.health.gov.au/resources/publications/australian-health-sector-emergency-response-plan-for-novel-coronavirus-covid-19>

Guidance Factsheet' (Isolation Factsheet).³⁰ These factsheets are available on Commonwealth Health's website (as amended from time to time to reflect current passenger requirements) and since on or around 26 January 2020 have been issued to incoming passengers (at airports and vessels) by Agriculture.

Ad hoc cruise ship protocol

37. In recognition of the unique COVID-19 risk posed by cruise ships, Commonwealth Health developed the 'National Protocol for managing novel coronavirus disease (COVID-19) risk from cruise ships' (National Protocol). The National Protocol was disseminated on 6 March 2020, following consultation with the Australian Health Protection Principal Committee (AHPPC), State and Territory chief human CHBOs, Agriculture, Home Affairs, the Department of Infrastructure, Transport, Cities and Regional Development (Infrastructure) and the Cruise Lines International Association (CLIA).³¹ Members of the Communicable Diseases Network Australia (CDNA)³² who are not also CHBOs were consulted in respect of the draft National Protocol. In preparing the National Protocol, regard was had to the National Guidelines for Public Health Units on COVID-19, which are published by the CDNA.³³

Distribution of Commonwealth Health human biosecurity policies

38. In general, Commonwealth Health disseminates border health related policies to the States and Territories through the CHBO forum. Each State and Territory health department is represented by its CHBO. The forum is generally chaired by the Director of Human Biosecurity and is held approximately three times a year with ad-hoc teleconferences taking place when required. Distribution also occurs via the committee structure under the AHPPC. Select guidelines and other information are made available on the Commonwealth Health website.
39. Distribution of border health related policies to other Commonwealth agencies (and other agencies if relevant) generally occurs through working groups or through direct distribution to agency counterparts.

COMMONWEALTH MIGRATION AND CUSTOMS CLEARANCE PROCESSES

40. The Commonwealth legislative basis for immigration clearance of cruise ship arrivals is set out in the *Migration Act 1958* (Cth) (Migration Act) and the *Migration Regulations 1994* (Cth) (Migration Regulations). Generally, the relevant procedures established thereunder and applicable to cruise ships arriving in Australian ports exist for the purposes of immigration clearing a cruise ship's passengers and crew,

³⁰ Commonwealth Health, Coronavirus disease (COVID-19), 6 March 2020 (HEA.0005.0001.0359); Commonwealth Health, Novel coronavirus (COVID-19), 15 March 2020 (HEA.0005.0001.0358).

³¹ Dated 6 March 2020 (HEA.0002.0001.1034).

³² The CDNA is a sub-committee of the AHPPC.

³³ See all version of the National Guidelines for Public Health Units on COVID-19, as between 23 January 2020 and 13 May 2020 (HEA.0002.0004.0001 - .0630).

and ensuring that no passengers or crew are attempting to enter Australia unlawfully.

41. The Commonwealth legislative basis for customs clearance of cruise ship arrivals is set out in the *Customs Act 1901* (Cth) (Customs Act) and the *Customs Regulation 2015* (Cth) (Customs Regulation). Generally, the purpose of the procedures established thereunder, insofar as they are applicable to cruise ships arriving in Australian ports, is ensuring customs control. Those provisions are directed at ensuring that prohibited goods are not brought into Australia, and that dutiable and excisable goods are not brought into Australia without the appropriate duty or excise being paid.
42. Neither the Migration Act nor the Customs Act is concerned with biosecurity, including human biosecurity.

PRE-ARRIVAL REPORTING OBLIGATIONS AND INFORMATION-GATHERING

Customs and migration reporting obligations

43. At least 96 hours before the Ruby Princess's estimated time of arrival in Australia, the Ruby Princess's operator was required to report the ship's impending arrival in Australia to Home Affairs (Customs Act s 64).
44. At least 96 hours before the Ruby Princess's estimated arrival in Australia, the Ruby Princess's operator was required to make a report to Home Affairs on each passenger and member of the crew who would be on board when the ship arrived in Australia (Migration Act s 245L).³⁴ Those reports were required to include immigration information about each passenger or crew member, such as their name, passport information, expected port of immigration clearance in Australia, and their transit information. The reports were not required to include any health information about passengers or crew.³⁵
45. Sections 64ACA and 64ACB of the Customs Act impose pre-arrival reporting obligations on the operator of a ship in respect of passengers and crew respectively. However, the information that the operator of the Ruby Princess was required to report under ss 64ACA and 64ACB included the same immigration information it was required to report pursuant to s 245L of the Migration Act (and, like s 245L, did not include any health information about passengers or crew).³⁶ As such, the Ruby Princess was not required to report that information under ss 64ACA and 64ACB (Customs Act s 64ACC).

³⁴ See also ss 245I of the Migration Act and reg 3.13A of the Migration Regulations. This requirement applied to the Ruby Princess as an 'international passenger cruise ship' (defined in Migration Regulations reg 3.13).

³⁵ The information required to be reported under s 245L is specified in the *Instrument of Approval of Primary Reporting Systems (International Passenger Cruise Ship – Passengers 2015* (Cth), Sch 1; and see also s 245J of the Migration Act.

³⁶ The forms approved for ss 64ACA and 64ACB indicate what information needs to be reported under the provision. Currently, the approved form for s 64ACA is Form 2B (approved in July 2015), and the approved form for s 64ACB is Form 3 (approved July 2015).

Biosecurity reporting obligations and information-gathering

46. The operator of the Ruby Princess was required to provide a pre-arrival report between 96 and 12 hours prior to arrival at its first port in Australian territory (Biosecurity Act s 193, *Biosecurity Regulation 2016* (Cth) (Biosecurity Regulation), ss 48 and 49). The report was required to include, among other things, details of any person on board the vessel who has, or had, during the voyage signs or symptoms of a listed human disease, or signs or symptoms of any other disease (other than where the signs or symptoms are or were due to certain listed factors including an injury, inebriation, or a pre-existing medical condition).
47. The report was required to be given to a 'biosecurity official' (which includes a biosecurity officer, a biosecurity enforcement officer or the Director of Biosecurity) or a 'customs officer' (ie, an officer of Customs within the meaning of the Customs Act). Alternatively, the report was able to be given using an electronic system and, in that case, is taken to be given to a biosecurity official or a customs officer.
48. In practice, Carnival and other cruise ship operators routinely lodge pre-arrival reports (PAR) electronically, in the Maritime Arrivals Reporting System (MARS) maintained by Agriculture.³⁷ ABF officers do not have access to that system. Once a vessel inputs or updates certain data into MARS, the system generates a Biosecurity Status Document (BSD) in response to certain biosecurity risks identified by the information provided by the vessel. That BSD is generally supplied by automatic email to an email address nominated in the vessel's PAR. The BSD uses a traffic light system as a visual cue to alert the user regarding the vessel's status and any associated directions or advice issued by Agriculture.³⁸ Information that is input into MARS is processed by the Maritime National Coordination Centre (MNCC). Human health information input into MARS is directed to the MNCC for assessment if the vessel reports: a death on board; an illness on board and an affirmative answer to one or more of the subsequent questions regarding symptoms in the PAR; or an illness on board and no answer to one or more of those subsequent questions.³⁹
49. In relation to human health, the BSD that is generated via MARS will include a red traffic light in the section 'Vessel Pratique and Ship Sanitation' if the vessel has not yet submitted a PAR. The traffic light in this section will be orange if the vessel has declared human health issues or has requested a Ship Sanitation Certificate. The traffic light will be green if the vessel has been granted pratique.⁴⁰ Issues concerning human health risks on board a vessel are the subject of questions in the PAR, but

³⁷ The MARS system is accessible to the public at this link: <https://www.agriculture.gov.au/biosecurity/avm/vessels/mars#mars-offline-forms-and-communication-and-training-materials>. Agriculture promulgates: Agriculture, MARS - Vessel Agent User Guide, March 2017 (AWE.0003.0008.0401); and MARS - Vessel Master User Guide, March 2017 (AWE.0003.0008.0527)

³⁸ See Pre-Arrival Form (AWE.0003.0003.0009) and Human Health Update (AWE.0003.0003.0007).

³⁹ Biosecurity Management of Commercial Vessels – Policy Framework (version 1.0, November 2017), p 26 (AWE.0003.0008.0887).

⁴⁰ Biosecurity Management of Commercial Vessels – Policy Framework (version 1.0, November 2017), p 18 (AWE.0003.0008.0887).

MARS also includes a Human Health update form enabling changes in human health risks to be reported (generating a Human Health Report of the type referred to in Part III).

50. The steps that were taken with respect to information supplied by the Ruby Princess via MARS are addressed in further detail in Part III.
51. If an operator of a vessel becomes aware that information included in a report given under s 193 is incomplete or incorrect, they are required to give a biosecurity officer the additional or corrected information as soon as practicable (Biosecurity Act s 194(1)).
52. The Director of Biosecurity (or delegate) may require certain persons to provide information (including by answering questions) in order to assess the level of biosecurity risk associated with the person and any goods that the person has with him or her (s 196). ('Biosecurity risk' is defined in s 9 and means, relevantly, the likelihood of a disease entering, or establishing itself or spreading in, Australian territory or part thereof, and the potential for the disease to cause harm to human health.) A person may be required to provide information if, relevantly, they:
 - a. intend to enter, or enter, Australian territory on an incoming vessel, and
 - b. were, are, or will be a passenger, member of the crew of, or person in charge of, an incoming vessel (s 196(1) of the Act and s 53 of the Biosecurity Regulation).

PRE-ARRIVAL CLEARANCE PROCEDURES

Screening under the Biosecurity (Entry Requirements) Determination 2016

53. The *Biosecurity (Entry Requirements) Determination 2016* (Cth) (made in reliance on s 44 of the Act) relevantly provides that a biosecurity officer or a HBO may require certain individuals to be screened for the purpose of establishing whether the individual may be, or may have been, infected with a listed human disease (s 6 of the Determination). 'Screening' an individual in this context includes screening by equipment, or by requiring the person to answer questions or provide information in writing.
54. This requirement may be imposed by a biosecurity officer or a HBO in respect of any of the following classes of individuals:
 - a. an individual identified in the pre-arrival report given by the operator of a vessel (or in information given to a biosecurity officer under s 194(1)) as having signs of an illness or infection;
 - b. an individual identified by a biosecurity officer or a HBO as having signs or symptoms of an illness or infection;
 - c. an individual for whom there has been a notification under the International Health Regulations that the individual has, or has been exposed to, a listed human disease; or

- d. an individual who, before travelling to Australian territory, had been in a country where individuals are known to be, or to have been, infected with a listed human disease.

Permission required to enter non-proclaimed port

- 55. Under s 58(1) of the Customs Act, it is an offence for the master of a ship entering Australia from overseas to enter Australia at any place other than a 'port'. There is a similar provision in s 247(1) of the Migration Act, directed to the objects of the Migration Act. A vessel operator may apply for an exemption from these provisions. For the purposes of s 58 of the Customs Act, a Collector is any officer of Customs whose duties include performing the functions of a Collector under that provision.
- 56. A 'port' is, relevantly, a port that has been appointed by the Comptroller-General of Customs under s 15 of the Customs Act (Migration Act s 5 and Customs Act s 4). By Gazette notice on 15 March 2020, a delegate of the Comptroller-General of Customs revoked the appointment of the Port of Sydney as a port under s 15, and appointed it as a port only for purposes in relation to ships that are not 'international passenger cruise ships' within the meaning of s 169 of the Migration Act.⁴¹ As a result, after 15 March 2020, it became an offence under the Customs and Migration Acts for the master of an international passenger cruise ship, such as the Ruby Princess, to bring the ship to the Port of Sydney without permission.

Cruise ship determination

- 57. On 18 March 2020, the Governor-General declared (under s 475 of the Biosecurity Act) that a human biosecurity emergency exists: *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020* (Cth).
- 58. On the same day, the Commonwealth Health Minister determined a requirement under s 477 of the Act: *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Determination 2020* (Cth). The effect of that determination was that an international cruise ship must not enter a port in Australian territory before 15 April 2020 unless:
 - a. a permission given by the Comptroller-General of Customs was in force for the ship to enter the port on the basis that the ship is in distress or that emergency circumstances exist, or
 - b. the ship had departed a port outside Australian territory before the end of 15 March 2020 and was bound directly for a port in Australian territory.
- 59. The Ruby Princess (an international cruise ship within the meaning of the determination) fell into this second category because it had departed Napier, New Zealand prior to the end of 15 March 2020. Accordingly the determination did not prevent the Ruby Princess from entering a port in Australian territory (at Sydney) on 19 March 2020. It remained subject to the requirement to obtain permission to enter

⁴¹ Gazette – Notice under Paragraph 15(1)(a) – Port Revocation and Appointment (No. 20/07) – Port of Sydney, 15 March 2020.

Australia at a place other than a 'port' under s 58 of the Customs Act and s 247 of the Migration Act.

BOARDING THE VESSEL

60. When the Ruby Princess arrived in the Port of Sydney, the master of the ship was required by s 60 of the Customs Act to bring the ship to a boarding station, to be boarded. Officers of Customs were then authorised to board the Ruby Princess under s 187 of the Customs Act, and to search any part of the ship, including opening any package, locker or place, and examining goods (s 189). Among other persons, an officer under the Customs Act includes APS employees in Home Affairs, as well as persons who are authorised under the Customs Act to exercise the powers and perform the functions of an officer (s 4). The master of the Ruby Princess was required by s 61 of the Customs Act to facilitate, by all reasonable means, the boarding of the ship by these officers.
61. The Ruby Princess was also subject to the parallel process for the boarding of vessels established by the Migration Act. Under s 247(2) of the Migration Act, the Secretary of the Department of Home Affairs and the ABF Commissioner, or a delegate of the Secretary, had the power to require the Ruby Princess to come to a boarding station.⁴²
62. While the Ruby Princess was at the boarding station, s 247(6) of the Migration Act authorised 'officers' to go and remain on board the ship, for the purposes of the Migration Act. Under s 5 of the Migration Act, an 'officer' includes, among other persons, any officer of Home Affairs (s 5). As is the case under the Customs Act, the master of the Ruby Princess was required to do all things reasonably required by these officers to facilitate the boarding of the ship, and the performance by the officers of duties for the purposes of the Migration Act (s 247(7)).

CLEARING THE VESSEL FOLLOWING BOARDING

Immigration and customs clearance

63. Once arrived in the Port of Sydney and at the boarding station, the Ruby Princess and the passengers and crew on board were required to be customs cleared. Only those passengers who joined the voyage in New Zealand were required to be immigration cleared as a result of the application of the *Migration (VES 20/002: Class of Persons Taken Not to Enter Australia) Determination 2020* (Cth), para (a)(xiii) and Sch 13, item 3 to this voyage (discussed further at [69]).

Immigration and customs clearing the Ruby Princess

64. At the time of the Ruby Princess's arrival in Australia, the master of the Ruby Princess was required, on request from an authorised officer, to give the officer a list of all persons on the ship, and immigration information for each of them, including their full name, date of birth, passport, citizenship and intended address or destination in Australia (Migration Act s 504(1)(c), Migration Regulations

⁴² The Secretary's power under s 247(2) has been delegated within the Australian Border Force (ABF) to all officers from the APS1-SES Band 3 level.

reg 3.14(2)). The provisions of Part 3 of the Migration Regulations are concerned with immigration control over Australia's borders. The requirement to provide information was imposed for the purpose of allowing proper control over those borders,⁴³ rather than for a biosecurity purpose. Since the introduction of that power, an equivalent power had also existed in the relevant biosecurity law (ie, the now repealed Quarantine Act and then the Biosecurity Act).

65. If a passenger list is given under reg 3.14(2), then reg 3.15(1) of the Migration Regulations requires the medical officer or master of the vessel to give an officer a signed certificate certifying that, in his or her opinion, no passenger on board the vessel, or no passenger other than a passenger named in the certificate, was suffering from certain diseases or conditions, including a disease or condition that is or may result in the passenger being a threat to public health in Australia. Further information was required if a passenger was named as suffering from such a disease or condition (reg 3.15(2)).
66. No request under reg 3.14(2) was made in respect of the Ruby Princess prior to its arrival on 19 March 2020, because a report had already been provided pursuant to s 245L of the Migration Act (as described at [44]-[45]). As a matter of practice, requests have not been made under reg 3.14 to obtain information for many years. Instead, information has been obtained by means of the reporting requirements in s 245L of the Migration Act, under a reporting system approved pursuant to s 245J of that Act. As no passenger list was requested or given under reg 3.14, no reg 3.15 certificate was required from the Ruby Princess.
67. Under the Customs Act, the operator of the Ruby Princess was required to report the particulars of the arrival of the ship in Australia to Home Affairs, and the time of arrival (Customs Act s 64AA). The report had to be provided either before the end of 24 hours after the ship's arrival or before the issue of a Certificate of Clearance⁴⁴ in respect of the ship and the port, whichever happens first (s 64AA(3)(a)). Officers of customs were also able to exercise various search, seizure, detention and examination powers under the Customs Act, including the powers in Div 1B of Part XII and ss 186(1) and 195. However, none of these powers is of relevance to biosecurity.

Immigration clearing the Ruby Princess's passengers and crew

68. Generally, each individual passenger and crew member on board a cruise ship who enters Australia at the Port of Sydney must be immigration cleared under s 166 of the Migration Act. As part of this process, each passenger and crew member must present to a clearance authority,⁴⁵ with evidence of their identity and citizenship and, if they are not a citizen of Australia, their visa (s 166(1)(a)).

⁴³ Explanatory Statement to the Migration Regulations 1994 (Cth).

⁴⁴ Regarding Certificates of Clearance, see ss 118 and 118A of the Customs Act. Certificates of Clearance relate to the departure of ships and as such are not relevant to the Ruby Princess's arrival in Australia (see s 118(1)).

⁴⁵ A clearance authority is, relevantly, any officer or other person authorised by the Minister for Home Affairs to perform duties under s 166 (s 165). All ABF officers from APS 1 level to SES Band 3 level are authorised to perform the relevant duties.

69. In certain circumstances, passengers and crew on cruise ships do not need to be immigration cleared under s 166 of the Migration Act. A person on an international passenger cruise ship, such as the Ruby Princess, who has taken a 'round trip' between two Australian ports and is taken not to have left Australia by virtue of s 80 of the Migration Act, does not have to comply with s 166, if exempted by the Minister for Home Affairs or the Secretary from doing so (s 169). The Ruby Princess was subject to such an exemption for this cruise as a result of the *Migration (VES 20/002: Class of Persons Taken Not to Enter Australia) Determination 2020* (Cth), which applied to 17 vessels in respect of a number of voyages for each vessel.⁴⁶
70. Separately from the requirement under s 166(1)(a), and despite an exemption having been granted under s 80, passengers of the Ruby Princess were required to complete incoming passenger cards with information including their name, other personal details, their passport, visa, and citizenship information, and information about their travel to Australia (reg 3.01(4), s 166(1)(b)).⁴⁷ Passengers were also required to answer a question about whether they currently suffer from tuberculosis (Migration Regulations reg 3.02), but were not otherwise asked for any health information. Crew members were not required to fill out an incoming passenger card (reg 3.03AA(2)), but may have been required to provide similar information in accordance with reg 3.03AA, on request from a clearance officer.

Biosecurity clearance

Pratique and entry screening

71. The operator of the Ruby Princess, on arriving at port, was not permitted to allow:
- a. any thing to be unloaded from or loaded onto the ship, or
 - b. any person to disembark from or embark onto the ship
- unless pratique was granted under the Biosecurity Act (s 48(1)).
72. Under that Act, pratique can be granted by force of the Act (positive pratique) or by a biosecurity officer (negative pratique) (Biosecurity Act s 48).
73. Section 49 of the Act provides that:
- a. the Director of Human Biosecurity may specify classes of incoming aircraft or vessels in relation to which pratique is to be granted by a biosecurity officer, and the requirements with which an aircraft or vessel in that class must comply for pratique to be granted by a biosecurity officer (s 49(1))
 - b. a biosecurity officer may grant pratique if an aircraft or vessel in a relevant class complies with the requirements specified for that class of aircraft or vessel (s 49(2)): pratique granted in this manner is 'negative pratique'.

⁴⁶ See *Migration (VES 20/002: Class of Persons Taken Not to Enter Australia) Determination 2020* (Cth) (DHA.0001.0003.1731), (a)(xiii) and Sch 13, item 3.

⁴⁷ See also Migration Regulations regs 3.01(2), 3.02 and 3.03(1)).

74. For any other aircraft or vessels – ie, aircraft or vessels that do not come within the classes of aircraft and vessels determined by the Director of Human Biosecurity for s 49(1) – pratique is granted by operation of s 48(2) of the Act. This is ‘positive pratique’.
75. Negative pratique was required to be granted for the Ruby Princess. The ship fell within one of the classes of vessels subject to negative pratique, as set out within the *Biosecurity (Negative Pratique) Instrument 2016* (Cth) (the Negative Pratique Instrument), made by the Director of Human Biosecurity. Specifically, the Ruby Princess fell in the class of vessels specified at item 2 of the table at s 5(2) of the Negative Pratique instrument, because the PAR given by the vessel included details about individuals on board who had a high temperature, and a high temperature is a sign or symptom of COVID-19 (a listed human disease):

Item	Column 1 Classes of incoming vessels	Column 2 Requirements that must be complied with
2	<p>Vessels in relation to which:</p> <p>(a) a pre-arrival report was given that included details about an individual on board who:</p> <p style="padding-left: 40px;">(i) has, or had during the voyage, signs or symptoms of a listed human disease ; or</p> <p style="padding-left: 40px;">(ii) died during the voyage; or</p> <p>(b) the Director of Human Biosecurity, a human biosecurity officer or a biosecurity official becomes aware have, or had, an individual on board who has entered, or will enter, a landing place or port, and who:</p> <p style="padding-left: 40px;">(i) has, or had during the voyage, signs or symptoms of a listed human disease; or</p> <p style="padding-left: 40px;">(ii) has been exposed to a listed human disease; or</p> <p style="padding-left: 40px;">(iii) died during the voyage</p>	<p>The operator of the vessel must ensure that individuals do not disembark unless permission to do so has been given by:</p> <p>(a) a chief human biosecurity officer; or</p> <p>(b) a human biosecurity officer; or</p> <p>(c) a biosecurity officer</p>

76. For pratique to be granted by a biosecurity officer for a vessel in a class mentioned in column 1 of this table, the requirements specified in column 2 must be satisfied (see s 5(2) of the Negative Pratique Instrument, and s 49(4) of the Biosecurity Act).
77. The effect of Div 4 of Pt 2 of Ch 2 of the Biosecurity Act is that, where a vessel is specified by the Director of Human Biosecurity in an instrument made under s 49, it is for a biosecurity officer to grant pratique.
78. Agriculture has issued work instructions which detail the process to be followed by a biosecurity officer in carrying out an inspection of a vessel, including in relation to human health, prior to the granting of pratique.⁴⁸ Agriculture also has an internal

⁴⁸ See Agriculture, Work Instruction – Undertake a Routine Vessel Inspection, 12 May 2017 (AWE.0002.0001.0282), pp 17-25. See also Agriculture, Work Instruction – Undertake a

operational guideline that outlines the process that occurs to manage human biosecurity risks when a traveller on board an international vessel has died, is ill or has been ill.⁴⁹ The directions provided for Agriculture biosecurity officers to administer a 'Traveller with Illness Checklist' (TIC).⁵⁰ In managing a traveller with a suspected listed human disease, the direction provided that the Agriculture biosecurity officer must ultimately follow the advice provided by a HBO in their State or Territory and, once the biosecurity officer is satisfied that there are no other human biosecurity issues, grant pratique.⁵¹ Likewise, the TIC directed the biosecurity officer to contact a HBO.

79. Consistently with the above guideline, the approach outlined in the TIC and the terms of the negative pratique instrument, Agriculture biosecurity officers rely on assessments performed by New South Wales HBOs in respect of human biosecurity matters before granting pratique.

Powers in relation to entry points for incoming vessels

80. Part 4 of Ch 4 the Biosecurity Act deals with entry points for incoming aircraft and vessels. Part 4, Div 3 confers certain powers on HBOs with respect to vessels to be moored at a port in Australian territory. In particular, s 250 provides that, if satisfied that it is necessary to do so to manage human health risks associated with such a vessel, or with any person or thing on board it, a CHBO or HBO may give the person in charge or the operator of the vessel:
 - a. a direction requiring the vessel to be moored at a specified port in Australian territory
 - b. a direction requiring the vessel not to be moored at a specified port(s) in Australian territory.
81. This power was not exercised with respect to the Ruby Princess.
82. Further, with the written approval of the Director of Biosecurity (or delegate), which may only be given if the Director is satisfied of certain specified matters, a biosecurity officer may give the person in charge or the operator of the vessel a direction requiring the vessel not to be moored at any port in Australian territory.

Human Health Inspection on board international vessels, 12 May 2017 (AWE.0002.0001.0258).

⁴⁹ Agriculture, Guideline – Death or illness of a traveller on board an international vessel, 26 August 2019 (HEA.0002.0001.1011). See also Commonwealth Health, Assessing Ill Travellers at Australia's International Border, May 2019 (HEA.0001.0001.0198).

⁵⁰ Commonwealth Health, Traveller with Illness Checklist – Air and Sea Travellers, 3 March 2020 (HEA.0002.0001.1058). The TIC is a long standing border screening tool, created by Commonwealth Health prior to the introduction of the Biosecurity Act. It is reviewed and updated in consultation with DAWE and State and Territory CHBOs.

⁵¹ Agriculture, Guideline – Death or illness of a traveller on board an international vessel, 26 August 2019 (HEA.0002.0001.1011), pp 14-15; Agriculture, Work Instruction – Undertake a Routine Vessel Inspection, 12 May 2017 (AWE.0002.0001.0282), p 20; Agriculture, Work Instruction – Undertake a Human Health Inspection on board international vessels, 12 May 2017 (AWE.0002.0001.0258), p 14. See similarly Commonwealth Health, Assessing Ill Travellers at Australia's International Border, May 2019 (HEA.0001.0001.0198), (6.3).

However, such a direction must not be given for the purpose of managing human health risks associated with the vessel or any person or thing on board it (s 249(4)). This power could not be exercised to address the COVID-19 risk posed by a cruise ship.

Part III: Chronology of events

83. This Part sets out a chronological factual narrative of the key communications, decisions and actions of ABF, Agriculture and Commonwealth Health, having regard to the steps and decisions contemplated by the various statutory schemes and procedures summarised above.
84. Where relevant differences in recollection arise between relevant Commonwealth officers and witnesses already called in the Commission, those are identified. Where contemporaneous documents cast light upon those differences, those too are identified. The existence of differences in recollection as to relevant matters arising as between Commonwealth officers is also noted.

DEVELOPMENT OF THE NATIONAL PROTOCOL

85. In early February 2020, following the COVID-19 outbreak on the Diamond Princess in Japan on 4 February 2020, Commonwealth Health, other Commonwealth agencies and representatives of the cruise ship industry identified the need for a nationally consistent, agreed protocol based on a proportionate response to the COVID-19 risk. The protocol was also designed to address maritime industry misinformation with regard to cruise ships and provide industry participants with an indication of potential responses upon arrival in Australia.
86. Work on the National Protocol began in the Health Emergency Management Branch of Commonwealth Health on 10 February 2020. The 'National Protocol for Pandemic (H1N1) 2009 on Cruise Ships' (H1N1 protocol) was used as a starting point, further informed by consultation with public health experts in Commonwealth Health's National Incident Room's (NIR) COVID-19 response team.⁵²
87. Consultation on the National Protocol took place from 10 February 2020. It involved representatives of the cruise ship industry, the National Cruise Ship Policy Working Group,⁵³ the Cruise Ship Working Group,⁵⁴ the AHPPC and the CHBOs forum.
88. As part of the consultation process, the National Protocol was discussed at meetings with the CHBOs on 11, 17 and 24 February 2020 and 2 March 2020.
89. On 27 February 2020, the AHPPC endorsed the National Protocol, pending the CHBOs' final endorsement. Following provision of various earlier versions to the CHBOs for comment, a final version was provided to the CHBOs for endorsement by email on 3 March 2020. The CHBOs were advised that, provided they had no major concerns, the document would be accepted as endorsed after any comments

⁵² Commonwealth Health, National Protocol for Pandemic (H1N1) 2009 on Cruise Ships, July 2009 (HEA.0002.0001.1321).

⁵³ The National Cruise Ship Policy Working Group was established around 22 August 2018, to facilitate a national policy for managing serious infectious diseases on cruise ships. Its membership is drawn from: (a) the communicable disease, public health or environmental health areas of each State and Territory (except the ACT, as it is land locked) as nominated by the relevant CHBO; (b) representatives from Agriculture's traveller and conveyances and ports areas, and (c) Commonwealth Health's emergency management, surveillance and medical advisory areas.

⁵⁴ The Cruise Ship Working Group was led by Infrastructure and had members from ABF, Carnival Australia, Royal Caribbean, CLIA, Agriculture and Commonwealth Health.

were incorporated. Commonwealth Health did not receive any comments, and accepted the document as endorsed. On 6 March 2020, the final version was disseminated to the CHBOs and the Cruise Ship Working Group by Commonwealth Health.

CHANGES IN PROCESS FOR ASSESSMENT OF CRUISE SHIPS: FEBRUARY-MARCH 2020

90. As at 16 March 2020, vessel operators were required to answer certain standard questions in the human health section of the PAR (and the Human Health update), which included:
 - a. '[h]ave any persons become ill or shown signs of illness in the past 14 days' (Illness Question);
 - b. '[t]emperature over 38° (if no thermometer is available, any person suspected of having a temperature should be reported)' (Temperature Question);
 - c. '[m]uscle aches, diarrhoea, severe headaches or vomiting (but not vomiting caused by inebriation or motion sickness)' (Aches, Diarrhoea & Vomiting Question); and
 - d. '[c]ases of diarrhoea and/or gastro intestinal illness have been recorded in the vessel's medical log during the current voyage and/or the last 21 days' (Gastro Question).
91. As further described at [106], a positive answer to any of the above questions triggered an automatic notification to the MNCC through MARS.
92. Prior to this, on 6 February 2020, additional questions referable to COVID-19 were first added to the PAR in MARS (COVID-19 Questions).
93. On 21 February and 6 March 2020, changes were made to the wording of the COVID-19 Questions. The version of the COVID-19 Questions current during the period 16-19 March 2020 was:⁵⁵

Has the vessel left mainland China and/or Iran and/or Republic of Korea and/or Italy in the last 14 days?

Has any person on the vessel left mainland China and/or Iran and/or Republic of Korea and/or Italy in the last 14 days?

Has any person on the vessel been in contact with a proven case of COVID-19 in the last 14 days?⁵⁶
94. An affirmative answer to any of the COVID-19 Questions in the PAR or Human Health update triggered a notification to the MNCC.

⁵⁵ A further version of the questions was introduced on 20 March 2020.

⁵⁶ Timeline for implementation of COVID-19 questions (AWE.0003.0011.0028).

95. The operator of the Ruby Princess did not provide an affirmative answer to any of the COVID-19 Questions in any of the documents it submitted via MARS between 16 and 19 March 2020.
96. On 21 February 2020, Mr Craig Hall (Assistant Director, Inspections Group, Biosecurity Operations Division, Agriculture) reported to Mr Guy Bursle (Director, Conveyances and Ports, Agriculture) on the heightened presence of NSW Health at international cruise vessel arrivals in Sydney.⁵⁷
97. The same day, Ms Kelly-Anne Ressler (Epidemiologist, Public Health Unit, South Eastern Sydney Local Health District) and HBO Professor Mark Ferson (Director and Public Health Officer, Public Health Unit, South Eastern Sydney Local Health District) advised Mr Franz Odermatt (Team Leader, Seaports Sydney and Regional Vessel Coordinator, Inspection Group, Biosecurity Operations Division, Agriculture) that:
 - a. a risk assessment would be undertaken by NSW Health for each cruise ship coming into Sydney
 - b. a NSW Health panel would review each risk assessment and decide whether or not to attend by about 1 pm on the day prior to arrival
 - c. following this, NSW Health would notify the ship, its agent and Mr Odermatt.⁵⁸
98. In the five weeks leading up to 18 March 2020, NSW Health regularly notified Mr Odermatt's team whether or not it would attend cruise ship arrivals in Sydney. Those notifications ceased in the days leading up to 18 March 2020. Mr Odermatt's team comprised Agriculture biosecurity officers including Ms Traci Joseph, Ms Jane Wallace and Mr Alan George, each of whom attended the arrival of the Ruby Princess at the OPT on 19 March 2020.
99. On 6 March 2020, Mr Odermatt asked Mr Robert Rybanic (Senior Manager, Cruise and Terminal Operations, NSW Port Authority) to play an audio message relating to COVID-19 inside the OPT during disembarkation of passengers and crew, effective immediately.⁵⁹
100. On 16 March 2020, Mr Odermatt sent an email to [REDACTED]@carnivalaustralia.com' among other recipients, attaching a document headed 'On-Arrival Announcement Version' and a document headed 'Novel coronavirus (COVID-19): Information for international travellers'.⁶⁰ His email

⁵⁷ Email, Craig Hall to Guy Bursle, Subject: NSW Health and Cruise Vessels (21 February 2020, 8.04 am) (AWE.0001.0002.0010).

⁵⁸ Email, Mark Ferson to Franz Odermatt, Subject: Schedule of ships for health assessment (21 February 2020, 9.25 am) (AWE.0001.0002.0012); (AWE.0001.0002.0008).

⁵⁹ Email, Franz Odermatt to Robert Rybanic, Subject: Cruise vessel terminal coronaviruses Announcements (6 March 2020, 12.42 pm) (AWE.0003.0004.0069; AWE.0003.0004.0070; AWE.0003.0004.0071; AWE.0003.0004.0072).

⁶⁰ Email, Franz Odermatt to various recipients including [REDACTED]@carnivalaustralia.com', Subject: FW Traveller fact sheets (16 March 2020, 1.13 pm) (AWE.0003.0004.0052; AWE.0003.0004.0055).

indicated that the on-arrival announcement was to be made before passengers disembarked.

101. On 18 March 2020, Mr Odermatt received, and in the early afternoon sent on to various officers within his team including Ms Joseph,⁶¹ an email from Mr Hall, addressing changes to the TIC. The email advised that the list of countries with increased risk of coronavirus now included only Mainland China, Iran, Italy and the Republic of Korea (and did not apply to travellers who had only transited within the last 24 hours). If a traveller had not been in one of these countries, the email stated that they should be reminded to refer to the COVID-19 factsheet received from their airline and provided with a surgical mask if they did not already have one. The email advised that the TIC should then be administered according to normal processes, subject to the traveller being advised to seek medical advice in accordance with the fact sheet if the TIC prompted the traveller to 'seek own medical advice'.

Early stages of Ruby Princess voyage RU2007: 8 – 15 March 2020

102. On the evening of 8 March 2020, the Ruby Princess departed Sydney for New Zealand. Based upon information supplied by the Ruby Princess, the ship departed Napier for Sydney on 15 March 2020. As senior counsel assisting the Commission observed in his opening address, this resulted in it being exempt from the prohibition on a cruise ship entering a port in Australian territory before 15 April 2020 imposed by the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Determination 2020* (Cth), discussed in Part II.⁶²
103. As discussed at [56], following the revocation of the Port of Sydney as a port under s 15 of the Customs Act, after 15 March 2020 Sydney was no longer a 'port' for the purposes of s 58 of the Customs Act and s 247(1) of the Migration Act. Permission for the Ruby Princess to arrive at a place other than a 'port' was granted by a Collector under s 58 of the Customs Act⁶³ via the Maritime Travellers Processing Committee (MTPC) application process: see [126]. No exemption was sought from or granted by the Minister under s 248 of the Migration Act. Such an exemption operates only in respect of the obligation to comply with a provision of s 247 of that Act.

Pre-arrival reporting by the Ruby Princess: 16 – 17 March 2020

104. On 16 March 2020 at around 1.46 pm, a PAR was submitted via MARS in respect of the Ruby Princess.⁶⁴ That disclosed (among other items) the following information in response to health-related questions:

⁶¹ Email, Franz Odermatt to various recipients, Subject: FW: FOR NOTING AND ACTION: COVID-19 Update – TIC country list (18 March 2020, 2.09 pm) (AWE.0003.0004.0073; AWE.0003.0004.0075).

⁶² Transcript, Special Commission of Inquiry into the Ruby Princess (5 May 2020) at T10.5-7 (Oral Opening).

⁶³ MTPC, Maritime Travellers Processing Permission for Vessel – Ruby Princess (18 March 2020) (DHA.0001.0002.0915).

⁶⁴ Pre-Arrival Report: Ruby Princess (16 March 2020, 1.46 pm) (AWE.0001.0001.0006).

- a. 53 against the Illness Question
 - b. 10 against the Temperature Question
 - c. 4 against Aches, Diarrhoea & Vomiting Question
 - d. 4 against the Gastro Question
 - e. negative answers to the COVID-19 Questions
 - f. a negative answer to the question '[w]as there any situation on board, which may lead to infection or the spread of disease?'.
105. In response to the submission of the PAR, MARS was configured automatically to email the address provided for the vessel, attaching a document from Commonwealth Health entitled 'Novel coronavirus (COVID-19)', described in the body of the email as a 'factsheet for novel coronavirus'.⁶⁵ The email requested that this factsheet be distributed to all passengers and crew on board. The email further stated that the vessel should report any symptoms or sickness of crew or passengers in the MARS pre-arrival report and advise its agent or alert the MNCC in the event of any changes in the health status of any crew or passengers.
106. At around the time the PAR was submitted, a 'Verify Human Health (VHH) (1) task' was created in MARS.⁶⁶ Such a task is automatically generated by MARS as a result of a positive answer to questions relating to signs or symptoms of a listed human disease being present.
107. At 2.09 pm on 16 March 2020, a 'VHH (1) task' was confirmed by a biosecurity officer from the MNCC.⁶⁷ This task involved confirming the system-generated recommendation⁶⁸ that a Human Health Inspection be queued for the vessel upon arrival. Following that confirmation, a BSD (No 1) was issued in respect of the Ruby Princess,⁶⁹ which contained (among other items):
- a. a green traffic Light for 'Berthing Conditions in Australian First Point of Entry Ports'
 - b. an amber traffic light for 'Vessel Pratique and Ship Sanitation'.
108. This is the first point at which a biosecurity officer could have become aware that there were people on board the Ruby Princess who were ill and/or had a high temperature. A high temperature is a sign or symptom of COVID-19, a listed human disease. The PAR that was supplied by the operator of the Ruby Princess included

⁶⁵ The original email is no longer available, but see Agriculture, Factsheet Email Template (as at 16 March 2020) (AWE.0003.0008.1467) and Agriculture, Logs of emails sent to addresses associated with Ruby Princess (16 to 24 March 2020) (AWE.0003.0008.1453).

⁶⁶ Excel spreadsheet entitled 'MARS task information' (compiled 25 May 2020) (AWE.0003.0011.0036).

⁶⁷ Excel spreadsheet entitled 'MARS task information' (compiled 25 May 2020) (AWE.0003.0011.0036).

⁶⁸ Agriculture, Maritime Arrivals Reporting System (MARS) – Biosecurity Officer (Internal) User Guide, version 2 (February 2020) (AWE.0003.0008.0025) at p 219, 245.

⁶⁹ Biosecurity Status Document (No 1): Ruby Princess (16 March 2020, 2.09 pm) (AWE.0001.0001.0106).

details about individuals on board who had that sign or symptom, as a result of the answer given to the Temperature Question. The effect of the Negative Pratique Instrument is that the Ruby Princess thus fell within the class of incoming vessels in relation to which pratique was to be granted by a biosecurity officer (negative pratique). Once the Ruby Princess fell within this class, the pratique status of the vessel could only change once pratique was either granted or refused. The amber traffic light for pratique in the BSD indicated that the vessel required negative pratique.

109. The BSD (No 1) was automatically sent by MARS to the email inboxes [REDACTED]@carnivalaustralia.com' and [REDACTED]@princesscruises.com'.⁷⁰
110. At 3.01 pm on 16 March 2020, a Human Health Report (No 1) was submitted in respect of the Ruby Princess,⁷¹ which disclosed (among other items) the following information in response to health-related questions:
 - a. 53 against the Illness Question
 - b. 10 against the Temperature Question
 - c. 4 against the Aches, Diarrhoea & Vomiting Question
 - d. 4 against the Gastro Question
 - e. negative answers to the COVID-19 Questions.
111. At 3.54 pm, a 'VHH task (2)' was confirmed by a biosecurity officer from the MNCC.⁷² This involved the same confirmation as the first Verify Human Health task referred to at [107]. Following that confirmation, a BSD (No 2) was issued in respect of the Ruby Princess,⁷³ which did not change the green traffic light for 'Berthing Conditions in Australian First Point of Entry Ports' or the amber traffic light for 'Vessel Pratique and Ship Sanitation' appearing in the first BSD.
112. The BSD (No 2) was automatically sent by MARS to the email inboxes [REDACTED]@carnivalaustralia.com' and [REDACTED]@princesscruises.com'.⁷⁴
113. At 6.13 pm on 16 March 2020, a BSD (No 3) and a BSD (No 4) were generated in respect of the Ruby Princess and automatically sent to [REDACTED]@carnivalaustralia.com' and [REDACTED]@princesscruises.com'.⁷⁵ The amber traffic light for the vessel's pratique status did not change. The creation

⁷⁰ Agriculture, BSD Issuance Timeline for Ruby Princess (AWE.0003.0011.0027).

⁷¹ Human Health Report (No 1): Ruby Princess (16 March 2020, 3.01 pm) (AWE.0001.0001.0012); Excel spreadsheet entitled 'MARS task information' (compiled 25 May 2020) (AWE.0003.0011.0036).

⁷² Excel spreadsheet entitled 'MARS task information' (compiled 25 May 2020) (AWE.0003.0011.0036).

⁷³ Biosecurity Status Document (No 2): Ruby Princess (16 March 2020, 3.09 pm) (AWE.0001.0001.0110).

⁷⁴ Agriculture, BSD Issuance Timeline for Ruby Princess (AWE.0003.0011.0027).

⁷⁵ Biosecurity Status Document (No 3): Ruby Princess (16 March 2020, 6.13 pm) (AWE.0001.0001.0114); Biosecurity Status Document (No 4): Ruby Princess (16 March 2020, 6.13 pm) (AWE.0001.0001.0118); Excel spreadsheet entitled 'MARS task information' (compiled 25 May 2020) (AWE.0003.0011.0036).

of these two BSDs was initiated by the verification of a task in the MARS system relating to seasonal pests.

Events leading to the arrival of Ruby Princess: 18 March 2020

Morning of 18 March 2020

114. On 18 March 2020 at 8.54 am, a Human Health Report (No 2) was submitted in respect of the Ruby Princess,⁷⁶ which disclosed (among other items) the following information in response to health-related questions:
- a. 110 against the Illness Question, up from 53 (compare [110.a]);
 - b. 17 against the Temperature Question, up from 10 (compare [110.b])
 - c. 6 against the Aches, Diarrhoea & Vomiting Question, up from 4 (compare [110.c])
 - d. 6 against the Gastro Question, up from 4 (compare [110.d])
 - e. negative answers to the COVID-19 Questions (compare [110.e]).
115. At 8.56am, a 'VHH task (3)' was confirmed in MARS by a biosecurity officer from the MNCC.⁷⁷ This involved the same process as described above in relation to earlier Verify Human Health tasks. A new BSD was not generated as a result, because this occurs only when the listed conditions on the BSD change.⁷⁸

Afternoon of 18 March 2020

116. Evidence before the Commission indicates that, in the course of the afternoon of 18 March 2020, a NSW Health panel agreed with Professor Ferson's risk assessment of the Ruby Princess as 'probably low'.⁷⁹ No Commonwealth officer formed part of that NSW Health risk assessment process.
117. On 18 March 2020, Ms Joseph left work for the day around 1.30pm. Ms Joseph recalls being told by Mr Odermatt that there were roughly 128 passengers reported sick on the Ruby Princess. She recalls that Mr Odermatt expressed uncertainty as to the cause of the illness and asked her to find out the status of the passengers. Mr Odermatt does not recall this discussion taking place and did not look at either the PAR or Human Health Report before Ms Joseph boarded the ship the following day.

⁷⁶ Human Health Report (No 2): Ruby Princess (18 March 2020, 8.54 am) (AWE.0001.0001.0016).

⁷⁷ Excel spreadsheet entitled 'MARS task information' (compiled 25 May 2020) (AWE.0003.0011.0036).

⁷⁸ Biosecurity Management of Commercial Vessels – Policy Framework (version 1.0, November 2017), p 16 (AWE.0003.0008.0887).

⁷⁹ Statement of Kelly-Anne Ressler dated 1 May 2020 (Special Commission of Inquiry into the Ruby Princess Exhibit 16) at [78], [81] and Annexures KAR-15 and KAR-16.

118. On 18 March 2020 at 2.31 pm, Ms Leeanne Whitney (Port Agency Coordinator, Carnival Australia) sent an email to the MTPC mailbox ('mtpc@abf.gov.au') attaching a MTPC Application Form and 'Debark Report'.⁸⁰
119. At around 3.52 pm, Ms Dionne Keating (MTPC Coordination, ABF) forwarded the email and attachments referred to at [118] to three departmental mailboxes – 'Sydney Boarding Supervisors' (with an @abf.gov.au domain), 'Depart of Health' (with an @health.gov.au domain) and 'Dept of Agriculture' (with an @awe.gov.au domain) – and Mr Andrew Johnson (who possessed an @infrastructure.gov.au domain).⁸¹ Ms Keating advised that the Ruby Princess was seeking approval to arrive and depart at ports other than appointed ports and asked for the application to be reviewed.
120. At around 4.07 pm, Mr Andrew Snook (ABF Supervisor, Shipping Operations) sent an email to the MTPC mailbox in response to Ms Keating's, which contained the word 'approved'.⁸² The Shipping Operations officers were not officers or members of the MTPC. They were sent emails to notify them that a ship was coming to port on a particular date and to determine whether they could support the arrival of the ship by attending to the customs functions for the arrival.
121. At around 4.09 pm, Ms Bibi Tokovic (Port Agent, Carnival Cruises) sent an email (carrying Ms Whitney's signature block) to recipients including 'nsw.seaports@abf.gov.au', 'sbo@abf.gov.au', 'sbs@abf.gov.au', [REDACTED]@abf.gov.au', 'cruisevesselpassengers@agriculture.gov.au', 'seaportssydney@agriculture.gov.au', and Mr Snook, which contained a program for the Ruby Princess's arrival at the OPT.⁸³ The program stated the vessel's arrival time as 2.30 am, the time for the port agent and officials to board for clearance as 6.00 am, and the time for commencement of passenger disembarkation as 7.00 am. The email also referred to '2 ambulance at time of email'. ABF Shipping Operations staff routinely receive communications of this kind with respect to incoming cruise ship arrivals.

⁸⁰ Email, Leeanne Whitney to Maritime Travellers Processing Committee ('mtpc@abf.gov.au'), Subject: MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT (18 March 2020, 2.31 pm) (DHA.0001.0002.0874), MTPC Application Form (18 March 2020) (DHA.0001.0002.0877), Debarkation Report (18 March 2020) (DHA.0001.0002.0876).

⁸¹ Email, Dionne Keating ('Maritime Travellers Processing Committee') to 'Sydney Boarding Supervisors', 'Depart of Health', 'Dept of Agriculture' and Andrew Johnson, Subject: FW MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT (18 March 2020, 3.52 pm) (DHA.0001.0002.0874; DHA.0001.0002.0876; DHA.0001.0002.0877). The Department of Health and Department of Infrastructure, Transport, Regional Development and Communication are 'Tier 2' recipients (though the Department of Infrastructure became a 'Tier 1' recipient at an unspecified date in March 2020), from whom a response is not required unless there are grounds for denying or objecting to the application or the recipient wishes to raise concerns.

⁸² Email, Andrew Snook to 'Maritime Travellers Processing Committee', Subject: Approved MTPC Applications (18 March 2020, 4.07 pm) (DHA.0001.0002.1133).

⁸³ Email, Bibi Tokovic to various recipients, Subject: Fwd **updated arrival time** RUBY PRINCESS 19 MAR 20 – Programme – OPT (18 March 2020, 4.09 pm) (DHA.0001.0003.4079).

122. At some time on 18 March 2020, Mr Shane Murray (Border Force Supervisor, Shipping Operations) rang Ms Valerie Burrows (Sydney Port Agent Manager, Carnival Australia) to ask if NSW Health would be attending the Ruby Princess. Mr Murray recalls that Ms Burrows replied that NSW Health had deemed the ship a 'low rating' and advised that it could debark at the requested time.
123. Ms Tokovic's evidence before the Commission was to the effect that she sought permission from Mr Murray at some time on the afternoon of 18 March 2020 for medical disembarkations.⁸⁴ Mr Murray denies that Ms Tokovic notified him of the planned medical disembarkations at any point.
124. At around 4.36 pm, Ms Keating forwarded the email and attachments referred to at [118], together with a draft instrument of approval (in substantially the same terms as that referred to at [126]) to Mr David Carter (Inspector, National Border Event Coordination, ABF). Ms Keating advised Mr Carter that verbal approval had been received from Agriculture and sought his approval.⁸⁵ Mr Carter responded within around a minute with an email indicating his approval.⁸⁶
125. At around 4.47 pm, Ms Fiona Pattison (Senior Policy Officer, First Points of Entry, Agriculture) replied to Ms Keating's email (at [118]) and indicated Agriculture's approval for the Ruby Princess to arrive at the Port of Sydney on 19 March 2020.⁸⁷
126. At around 4.50 pm, following the events described in [119], [120], [125] and [126] above, Ms Keating wrote to [REDACTED]@carnivalaustralia.com' and advised that the MTPC had approved the application from Carnival Australia, on behalf of the Ruby Princess, to arrive and depart at Australian ports.⁸⁸ Ms Keating attached (among other things) a document titled 'Maritime Travellers Processing Permission for Vessel' in respect of the Ruby Princess.⁸⁹ The document was addressed to the Master and Operator of the Ruby Princess and stated that '[p]ermission is granted in accordance with s58 of the Customs Act 1901 and s247 of the Biosecurity Act 2015'.

⁸⁴ Transcript, Special Commission of Inquiry into the Ruby Princess (6 May 2020) at T489.43-T490.5 (B Tokovic).

⁸⁵ Email, Dionne Keating ('Maritime Travellers Processing Committee') to David Carter, Subject: FW: MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT – approval required (18 March 2020, 4.36 pm) (DHA.0001.0002.0890; DHA.0001.0002.0892; DHA.0001.0002.0893; DHA.0001.0002.0895).

⁸⁶ Email, David Carter to Dionne Keating ('Maritime Travellers Processing Committee'), Subject: RE: MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT – approval required (18 March 2020, 4.37 pm) (DHA.0001.0003.4089). This version of the email chain lists the sent time on Ms Keating's email as '4.37 pm' and the sent time on Mr Carter's email as '4.37.48 +1100', representing AEDT at the time of the events in question.

⁸⁷ Email, Fiona Pattison ('Arrivals') to 'Maritime Travellers Processing Committee', Subject FW MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT (18 March 2020, 4.47 pm) (DHA.0001.0002.0904).

⁸⁸ Email, Dionne Keating ('Maritime Travellers Processing Committee') to [REDACTED]@carnivalaustralia.com, Subject: FW: MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT – approval (18 March 2020, 4.50 pm) (DHA.0001.0002.0910; DHA.0001.0002.0912; DHA.0001.0002.0913; DHA.0001.0002.0915).

⁸⁹ MTPC, Maritime Travellers Processing Permission for Vessel (18 March 2020) (DHA.0001.0002.0915).

127. At around 5.07 pm, Ms Keating forwarded her email of approval referred to at [126] to those who had received her initial request for approval of the application, together with the original application documents and the instrument of approval.⁹⁰

Evening of 18 March 2020

128. At around 6.33 pm, Ms Bibi Tokovic sent an email to various recipients, including the ABF and Agriculture mailboxes and personnel referred to at [121], which contained an amended program for the Ruby Princess' arrival at the OPT. This contained, among other minor amendments, a clarification that the two ambulances referred to in the email at [121] were required at 3.00 am.⁹¹
129. At around 6.45 pm, Mr Savio Dsouza (Administration Officer, Ruby Princess) sent an email to the 'Sydney Boarding Officers' mailbox and the address 'SEOC@abf.gov.au', in respect of the ship's arrival on 19 March 2020.⁹² The email noted that there would be two medical disembarkations at 3.00 am, with 3 guests accompanying the medical disembarkations.
130. On 18 March 2020 at 7.21 pm, a Human Health Report (No 3) was submitted in respect of the Ruby Princess,⁹³ which disclosed (among other items) the following information in response to health-related questions:
- a. 128 against the Illness Question, up from 110 (compare [114.a])
 - b. 24 against the Temperature Question, up from 17 (compare [114.b])
 - c. 6 against the Aches, Diarrhoea & Vomiting Question (compare [114.c])
 - d. 6 against the Gastro Question (compare [114.d])
 - e. negative answers to the COVID-19 Questions (compare [114.e]).
131. At around the time the Human Health Report referred to at [130] was submitted, a 'VHH task (4)' was created. As a result of the time it was submitted, this VHH task was not confirmed until the following morning.⁹⁴ The fact that the VHH task was not confirmed until the morning of 19 March 2020 did not alter the pre-existing appointment in MARS for a Human Health Inspection of the vessel.

⁹⁰ Email, Dionne Keating ('Maritime Travellers Processing Committee') to 'Sydney Boarding Supervisors', 'Depart of Health', 'Dept of Agriculture' and Andrew Johnson, Subject: FW MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT - approval (18 March 2020, 5.07 pm) (DHA.0001.0002.0929; DHA.0001.0002.0931; DHA.0001.0002.0932; DHA.0001.0002.0934).

⁹¹ Email, Bibi Tokovic to various recipients, Subject: Fwd **updated arrival time** RUBY PRINCESS 19 MAR 20 – Programme – OPT (18 March 2020, 6.33 pm) (DHA.0001.0003.1468).

⁹² Email, Savio Dsouza to 'Sydney Boarding Officers', 'SEOC' and [REDACTED]@carnivalaustralia.com', Subject: RUBY PRINCESS- SYDNEY ARRIVAL 2B GUEST MANIFEST (18 March 2020, 6.45 pm) (DHA.0001.0003.1471; DHA.0001.0003.1474).

⁹³ Human Health Report (No 3): Ruby Princess (18 March 2020, 7.21 pm) (AWE.0001.0001.0020).

⁹⁴ MNCC staff work between 7.00 am and 7.00 pm.

Arrival at Port of Sydney and disembarkation of passengers: 19 March 2020

ABF communications: 12.01 am to 3.00 am, 19 March 2020

132. At around 12.19 am on 19 March 2020, Sergeant Gerard Hollands of the Sydney Water Police sent an email to the 'LEL [Law Enforcement Liaison] NSW Agencies' mailbox maintained by Home Affairs.⁹⁵ The email (which was addressed 'Hi Carl') was intended for Mr Karel Jenicek (Intelligence Liaison Officer, Home Affairs), the on-call intelligence officer, with whom Sergeant Holland had spoken at around 12.06 am.⁹⁶ Mr Jenicek had access to the 'LEL NSW Agencies' mailbox as the on call intelligence officer that evening. The email referred to an earlier discussion of a '3rd hand' report of two possible confirmed cases of COVID-19 on board the Ruby Princess. It noted that, since speaking to Mr Jenicek, Cameron from Sydney Ports had been informed that the two ambulances were booked for non-COVID-19 related illnesses and that it appeared there had been a miscommunication between the ship, the port agent and Sydney Ports. The email requested that Mr Jenicek call Mr Butchart to 'alleviate' any further miscommunications and confirm all the information.
133. At around 12.30 am, Mr Jenicek spoke to Mr Cameron Butchart (Manager, Port Services, Port Authority of New South Wales), although Mr Butchart does not appear to recall speaking to Mr Jenicek.⁹⁷ By 12.31 am, however, Mr Jenicek had sent an email referring to having spoken to Mr Butchart, described in more detail below (at [134]).
134. At around 12.31 am, Mr Jenicek sent an email to the 'RCUNSW' mailbox in which he forwarded the communication from Sergeant Hollands described at [132].⁹⁸ In his email, Mr Jenicek advised that he had 'spoken to Cameron form [sic] Sydney ports

⁹⁵ Email, Gerard Hollands to LEL NSW Agencies, Subject: Ruby Princess (19 March 2020, 12.19 am) (DHA.0001.0002.1135).

⁹⁶ Call logs, Mr Karel Jenicek (Work Mobile) (18-19 March 2020) (DHA.0002.0007.0018) show that Mr Jenicek received a call from an anonymous number that lasted 3:27 minutes at 11.06 pm on 18 March. It is possible that this call in fact occurred at 12.06 am, taking into account that daylight saving was in effect. A limitation of such ABF call logs is that they do not capture incoming calls to a work mobile made from numbers that are not internal DHA landlines.

⁹⁷ Cf Statement of Cameron Butchart dated 28 April 2020 (Annexure A to the Statement of Cameron Butchart dated 5 May 2020) at [44] (Special Commission of Inquiry Exhibit 24). Mr Jenicek's subsequent email correspondence at 12.31 am (discussed below) refers to a conversation with Mr Butchart around the time Mr Butchart recalls a conversation with a female from the Department of Home Affairs. A review of the call logs for the on-call line for the Intelligence Liaison Office, Karel Jenicek's mobile number and Karel Jenicek's direct line do not show any calls to Cameron Butchart's mobile number, or any incoming or outgoing calls shortly after midnight: Call logs, Mr Karel Jenicek (Work mobile) (18-19 March 2020) (DHA.0002.0007.0018); Call logs, Mr Karel Jenicek (Landline) (18-19 March 2020) (DHA.0002.0007.0015); Call logs, On-call Intelligence Liaison Officer Line (18-19 March 2020) (DHA.0002.0007.0016). As noted above, a limitation of such ABF call logs is that they do not capture incoming calls to a work mobile made from numbers that are not internal DHA landlines.

⁹⁸ Email, Karel Jenicek ('LEL NSW Agencies' to 'RCUNSW', Subject: LELNSW – Dissemination – NSWPOL - Ruby Princess (19 March 2020, 12.31 am) (DHA.0001.0002.1135).

and apparently that is NOT the case – however this was the advice provided by NSW Ambulance Service’.

135. Shortly after sending this email, Mr Jenicek spoke to a female officer in the ABF Regional Coordination Unit in Sydney.⁹⁹ Ms Sharon Khan was the only person on duty in the ABF Regional Coordination Unit in Sydney at the time.
136. At 12.33 am, Mr Jenicek sent an email to Sergeant Hollands, stating that he had spoken to Cameron Butchart and setting out the steps he had taken.¹⁰⁰
137. Call logs indicate that Sharon Khan of the NSW Regional Coordination Unit called Mr Cameron Butchart of Sydney Ports twice on the morning of 19 March 2020, at 12.40am and 1.01am.¹⁰¹ In the first call, Ms Khan recalls that Mr Butchart raised concerns regarding suspected COVID-19 cases on board the Ruby Princess and requested information about the ambulance requests. He advised that some people had been tested in New Zealand (which, as described at [160], ABF was subsequently advised had not in fact occurred) and said that he had tried to call NSW Health but was unable to reach anybody.
138. Ms Khan also recalls Mr Butchart telling her that he could stop the ship if need be. She does not recall him saying words to the effect: ‘[t]he Ruby Princess is still in safe water to be sent back to sea ... you have about 20 minutes to make a pretty quick decision before I can’t turn the vessel around.’ Instead, she recalls him saying that, if there was anything that confirmed that this vessel had suspected COVID-19 cases on board, then he had a pilot on board and it could stop at Bradleys Head. Ms Khan does not recall any timing for stopping the ship being mentioned at this point. Ms Khan recalls telling Mr Butchart that she needed to find out what information ABF’s Maritime officers had on the ambulance cases and relay that information back to Mr Butchart.
139. At 12.54 am, Ms Khan called her supervisor, Mr Shane Murray (the on-call Border Force Supervisor for Shipping Operations) and spoke to him for six minutes.¹⁰² Ms Khan asked about ambulance cases and whether the vessel had clearance to berth. Mr Murray recalls advising Ms Khan that NSW Health was not attending and the disembarkation would proceed. Ms Khan recalls Mr Murray telling her that the ambulances were for cardiac and nerve issues and were for non-COVID-19 cases.

⁹⁹ Call logs, Mr Karel Jenicek (Work mobile) (18-19 March 2020), row 6 (DHA.0002.0007.0018) indicate that he placed a call at 11:35pm to Ms Khan’s direct line (he was ultimately connected to the general RCU NSW line) and that the call lasted 2:48 minutes. Accounting for daylight savings, this call may have occurred after midnight.

¹⁰⁰ Email, LEL NSW Agencies to Gerard Hollands, Subject: RE: Ruby Princess (19 March 2020, 12:33am) (DHA.0002.0004.0020).

¹⁰¹ Call logs, NSW RCU (Ms Sharon Khan) (19 March 2020), row 2 (DHA.0002.0007.0001) (9.24 minutes); Call logs, NSW RCU (Ms Sharon Khan) (19 March 2020), row 6 (DHA.0002.0007.0001) (4 minutes). Ms Khan’s recollection of the timing and content of these telephone calls differs from that of Mr Butchart in his witness statements tendered at the Special Commission of Inquiry.

¹⁰² Call logs, NSW RCU (Ms Sharon Khan) (19 March 2020), row 5 (DHA.0002.0007.0001); Call logs, Mr Shane Murray (Work mobile) (19 March 2020), row 2 (DHA.0002.0007.0009).

140. Ms Khan then placed a call back to Mr Butchart, which call records indicate took place at 1.01 am and lasted four minutes.¹⁰³ Ms Khan's recollection is that she explained that ABF's records showed that the ambulances were called out for non-COVID-19 cases and that NSW Health had given clearance for the passengers to disembark. Ms Khan does not recall making any reference to speaking to her supervisor. Ms Khan denies saying words to the effect of 'bring it in', but agrees that she would have said that the vessel had been given clearance to dock.
141. At around 1.51 am, Mr Butchart forwarded an email chain involving the communications between the Ruby Princess and the Port Authority of New South Wales, together with Human Health Report (No 3) (described at [130]), to ABF's 'RCUNSW' mailbox.¹⁰⁴ It appears that this was the first occasion that the Human Health Report came into the possession of Home Affairs.

ABF communications: 3.00 am to 6.00 am, 19 March 2020

142. At around 3.59 am, Ms Khan sent an email to 'ICC-One' in which she forwarded the documents received from Mr Butchart (at [141]) and, in her covering email, described the information about the Ruby Princess she had obtained to that point, including that the Port Authority had advised that COVID-19 tests had been conducted on six passengers in New Zealand.¹⁰⁵ She asked for urgent follow-up with New Zealand in relation to those tests.
143. Ms Khan's email was received by Mr Grant Nissen (Coordinator, Incident Command Centre, ABF), who was working alongside Mr Mick Lund, among others, in the ABF Incident Command Centre (ICC). Mr Nissen asked Mr Lund to follow up on the information about COVID-19 tests with New Zealand authorities, which he did at around 4.15 am.¹⁰⁶ At around 4.48 am, Mr Grant Nissen sent an email to the 'RCUNSW' mailbox in response to the email described at [142].¹⁰⁷
144. At around 5.26 am, a crew change request was submitted by the Ruby Princess via MARS for 97 crew.¹⁰⁸
145. At around 5.47 am, Mr Ian Hillhouse (Supervisor, Regional Coordination Unit, who took over from Ms Khan at the conclusion of her shift) forwarded the email chain

¹⁰³ Call logs, NSW RCU (Ms Sharon Khan) (19 March 2020), row 6 (DHA.0002.0007.0001).

¹⁰⁴ Email, Sharon Khan ('RCUNSW') to 'ICC-One', Subject: FW: Bio Security Declaration (19 March 2020, 3.59 am) (DHA.0001.0002.0424; DHA.0001.0002.0426; DHA.0001.0002.0430; DHA.0001.0002.0431); Email, Cameron Butchart to 'RCUNSW', Subject: FW: BIO SECURITY DECLARATION (19 March 2020, 1.50 am) (DHA.0001.0002.1137; DHA.0001.0002.1139; DHA.0001.0002.1143; DHA.0001.0002.1147).

¹⁰⁵ Email, Sharon Khan ('RCUNSW') to 'ICC-One', Subject: FW: Bio Security Declaration (19 March 2020, 3.59 am) (DHA.0001.0002.0424).

¹⁰⁶ Email, Mick Lund ('ICC-One') to 'ITOC Operations Centre', Subject: Ruby Princess Bio Security (19 March 2020, 4.15 am) (DHA.0001.0002.0434; DHA.0001.0002.0436; DHA.0001.0002.0450).

¹⁰⁷ Email, Grant Nissen ('ICC-One') to 'RCUNSW', Subject: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20 (19 March 2020, 4.48 am) (DHA.0001.0002.0445).

¹⁰⁸ Excel spreadsheet entitled 'MARS task information' (compiled 25 May 2020) (AWE.0003.0011.0036).

referred to at [143] to the 'Sydney Boarding Supervisors' mailbox and Mr Jeffrey Vandam together with the Human Health Report (3) submitted by the Ruby Princess at 7.21 pm on 18 March.¹⁰⁹ Mr Hillhouse asked ABF's Maritime staff to provide an overview of the situation as soon as possible when known. The email was received by Mr Snook, who read it.

ABF and Agriculture staff attendance at the OPT: 19 March 2020

146. At around 4.40 am or 4.45 am, Ms Traci Joseph arrived at the OPT ahead of the start of her shift at 5.00 am. For the first hour of her shift, Ms Joseph inspected containers that were being unloaded from the vessel.
147. At around 5.30 am, Mr Omer Ozger (Senior Border Force Officer, Maritime Operations) commenced his shift at Customs House, Sydney International Airport.¹¹⁰ Mr Ozger led a team comprised of two officers, Ms Julia Milosevic (Leading Border Force Officer, Maritime Operations) and Mr Dejan Ristovski (Border Force Officer, Maritime Operations).¹¹¹ The team was assisted by officers from a Mobile Deployment Force, which was sent to the OPT to assist with passenger-related activities after the passengers disembarked the ship and entered the OPT.
148. Mr Snook, who was Mr Ozger's supervisor, placed a call to Mr Ozger at 5.59 am, which Mr Ozger received prior to his arrival at the OPT. He asked Mr Ozger to investigate information about ill passengers on the Ruby Princess and to provide a report.
149. At around 5.45 am or 6.00 am, Mr Odermatt arrived at the Ruby Princess with Ms Wallace. They were subsequently joined by Mr George.
150. At around 6.00 am, Ms Joseph went to the gangway of the Ruby Princess where she met Ms Tokovic. Ms Joseph recalls that she asked Ms Tokovic about human health on the ship, and was told that some passengers had been tested for influenza and influenza A, that NSW Health would not be attending and that either the passengers were, or the vessel was, low risk. Ms Joseph further recalls Ms Tokovic saying that 11 passengers were in isolation and would disembark after the other passengers had done so.
151. At around 6.10 am or 6.15 am, Mr Ozger and his team arrived at the OPT.
152. While standing on the wharf, Mr Ozger recalls asking Mr Odermatt whether NSW Health representatives were coming because of the COVID-19 risk, and being told that the Department had deemed the vessel low risk and that they were not attending. Mr Odermatt recalls having a discussion with Mr Ozger in the OPT prior to Mr Ozger boarding the ship concerning sick passengers on board, but does not recall the specific content of the conversation.

¹⁰⁹ Email, Ian Hillhouse ('RCUNSW') to 'Sydney Boarding Supervisors' and Jeffrey Vandam, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20 (19 March 2020, 5.47 am) (DHA.0001.0002.0968; DHA.0001.0002.0972).

¹¹⁰ Officer's Notebook: Omer Ozger at p 18.

¹¹¹ Officer's Notebook: Omer Ozger at p 18.

153. Mr Ozger and Ms Milosevic recall that they met Ms Tokovic and Ms Joseph (Ms Joseph does not recall being involved in this conversation).¹¹² Ms Tokovic informed Mr Ozger and Ms Milosevic that there were some people in isolation and that NSW Health were not attending.¹¹³ Ms Milosevic recalls reference being made during this initial conversation to two passengers having been taken away by ambulance before the officers arrived. Ms Milosevic also recalls Ms Tokovic informing the officers that 11 passengers were in isolation and that COVID-19 related testing had been done on board.
154. Mr Ozger boarded the Ruby Princess with Ms Milosevic and Mr Ristovski shortly after arriving at the OPT.¹¹⁴ Ms Tokovic also boarded. Once on board, the ABF officers and Ms Joseph were taken to a function room.
155. From 6.00 am to around 7.00 am, MARS data records there was an appointment for a Routine Vessel Inspection (RVI) of the Ruby Princess. In the function room, Ms Joseph was handed the landing orders for the vessel, which she went through and signed. She observed that there were landing orders for swabs. She recalls that ABF and the Port Agent had discussions, but she could not hear those discussions. After completing paperwork, Ms Joseph left the function room to undertake an environmental inspection on board the vessel. After completing the environmental inspection, she left the vessel. While on board, Ms Joseph did not administer a TIC.
156. While on board the ship, Mr Ozger recalls being told by a purser that two passengers had been taken away by ambulance prior to the ABF's arrival. He was told that they were among 13 passengers in isolation and that they were taken away in an ambulance for issues unrelated to COVID-19.¹¹⁵ Mr Ozger recalls asking the purser about 118 people sick on board and being told that there were not 118 people sick; rather this was the number of people who had been sick throughout the duration of the cruise. The purser advised Mr Ozger that there were only 11 people in isolation who were currently sick. Mr Ozger told the purser that those people needed to remain in isolation until all processing of other passengers had been completed. The purser asked whether Mr Ozger needed to see the passengers and do a face to passport check. Mr Ozger said there was no need for ABF officers to see the passengers. He asked the purser to collect their incoming passenger cards and present those cards to ABF officers.
157. Routine paperwork was provided to the ABF officers on board the ship, including the passenger and crew manifests, a list of way port joining passengers and cargo documentation. Mr Ozger did a face to passport check for way port joining

¹¹² Transcript, Special Commission of Inquiry into the Ruby Princess (6 May 2020) at T536.27-.T538.2 (B Tokovic).

¹¹³ Mr Ozger's notebook at pp. 18-19 (DHA.0002.0001.0001) records that it was 'vessel staff' who advised that 13 passengers were isolated due to flu-like symptoms, and suggests (from the sequence in which events are recorded) that this took place after boarding.

¹¹⁴ Transcript, Special Commission of Inquiry into the Ruby Princess (5 May 2020) at T12.41-.43 (Oral Opening).

¹¹⁵ Officer's Notebook: Omer Ozger (DHA.0002.0001.0001) at pp 18-19.

passengers and crew; Ms Milosevic and Mr Ristovski conducted other functions. Ms Milosevic also recalls attending to crew related work.

158. At the conclusion of ABF's customs and immigration checks, someone from the Ruby Princess crew asked whether the vessel had clearance to disembark and Mr Ozger responded 'yes'.¹¹⁶ Ms Joseph does not recall being asked for clearance to disembark passengers or baggage or ABF being asked for clearance to disembark. Ms Tokovic's evidence to the Commission was that she obtained clearance for passengers to disembark from ABF and Agriculture.¹¹⁷
159. At around 6.30 am, Mr Kieran Tabor (Watchkeeper, Integrated Targeting & Operations Centre, New Zealand Customs) passed on an email to Mr Lund at the 'ICC One' mailbox in response to the email at [143].¹¹⁸ The email advised that 'having checked with the agent it would appear they are most likely talking about the Golden Princess, not the Ruby. Golden was in Akaroa over the weekend and testing was conducted with negative results.'¹¹⁹
160. At around 6.56 am, Mr Ross Keeling (Coordinator, Incident Command Centre) sent an email to the 'RCUNSW' mailbox forwarding the communication from New Zealand Customs described at [159] and attaching the Human Health Report (No 3) described at [130].¹²⁰ Mr Keeling advised, based on the advice from New Zealand, that passengers on the Ruby Princess did not undergo testing in New Zealand and asked that officers be informed accordingly.
161. At around 7.00 am, Mr Andrew Snook forwarded the email chain, including Mr Hillhouse's request for a situational overview (referred to at [145]) and the Human Health Report (No 3) (referred to at [130]), to Mr Ozger.¹²¹
162. At some time between around 6.30 am and 7.00 am, passengers commenced disembarking the Ruby Princess.¹²²

¹¹⁶ Officer's Notebook: Omer Ozger (DHA.0002.0001.0001) at p 19.

¹¹⁷ Transcript, Special Commission of Inquiry into the Ruby Princess (6 May 2020) at T519.18-38.

¹¹⁸ Email, Kieran Tabor 'ITOC Operations Centre' to 'ICC-One', Subject: Re Ruby Princess Bio Security (19 March 2020, 6.30 am) (DHA.0001.0002.0450).

¹¹⁹ We note that during the course of the Special Commission of Inquiry into the Ruby Princess, there has been evidence to the effect that 5 swabs were taken from the Ruby Princess in Wellington, for testing and that those results returned negative results: Transcript, Special Commission of Inquiry into the Ruby Princess (22 April 2020) at T53.15-.23; T64.36-65.41; (5 May 2020) at T10.11-.13. Based on Home Affairs records (see (DHA.0001.0002.0445) above at [143]), it would appear that the Ruby Princess last called in Wellington on 13 to 14 March 2020.

¹²⁰ Email, Ross Keeling 'ICC-One' to 'RCUNSW', Subject: TASKING BA135 – Ruby Princess Bio Security (19 March 2020, 6.56 am) (DHA.0001.0002.0469; DHA.0001.0002.0473).

¹²¹ Email, Andrew Snook to Omer Ozger, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20 (19 March 2020, 6.59 am / 7.00 am) (DHA.0001.0002.1154; DHA.0001.0002.1158; DHA.0001.0002.0975).

¹²² Ms Tokovic's recollection is that the disembarkation commenced at some time after 7.30 am: Transcript, Special Commission of Inquiry into the Ruby Princess (6 May 2020) at T522.15 (B Tokovic). However, as noted above, in an email to Jeffrey Vandam on 20 March 2020, Omer Ozger stated that debark commenced at approximately 6:30am: Email,

163. At around the same time, Mr Ozger and his team disembarked the vessel. Mr Ozger believes that he may have phoned Mr Snook to provide a verbal report and tell him that he would send him an email report shortly.
164. At around 6.45 to 7.00 am, Ms Joseph disembarked the ship. Shortly after disembarking the ship, Ms Joseph spoke to Mr Odermatt about the swabs that had been taken off the vessel (see [155]).
165. From around 7.31 am, Mr Odermatt exchanged text messages with Ms Ressler. Mr Odermatt had not spoken with Ms Ressler or anyone else from NSW Health prior to starting his shift and did not speak to Ms Ressler on the phone that morning, although Ms Joseph recalls him telephoning NSW Health at around this time. The only time recorded on the text messages concerns the first communication from Mr Odermatt to Ms Ressler. The text message chain is as follows:¹²³

Mr Odermatt:	Hi Kelly 18 samples for testing came off the Ruby Princess this morning Do you know about this and should we, Agriculture & Borderforce be concerned Franz
Ms Ressler:	Hi Franz yes they are sending samples, no concern. The ship was assessed as low risk but we're going to test them anyway, they did have elevated numbers of flu. All are ok to debark but all to go into home isolation due to the new rules. Do you know if ABF are enforcing this?
Mr Odermatt:	Yes, we are handing out the notice for isolation to all disembarking pax and crew here at seaports, I'm not sure how this is monitored once they get home
Ms Ressler:	Thanks Franz

166. Biosecurity officers did not take any further action in relation to the swabs taken for testing.
167. At around 7.37 am, MARS inspection records with respect to the Ruby Princess RVI were last modified.¹²⁴ The RVI e-form is submitted online. Ms Joseph had been unable to obtain an online connection to MARS while on the ship but was able to connect in the OPT.
168. Following the completion and submission of the RVI, around 7.39 am, a BSD (No 5) was issued in respect of the Ruby Princess,¹²⁵ which contained (among other items):
- a. a green traffic Light for 'Berthing Conditions in Australian First Point of Entry Ports'

Omer Ozger to Jeffrey Vandam, Subject: Ruby Princess (20 March 2020, 2.50 pm) (DHA.0001.0002.1318; DHA.0001.0002.1320).

¹²³ SMS Screenshots from Franz Odermatt's iPhone (19 March 2020) (AWE.0001.0001.0032).

¹²⁴ RVI Inspection (AWE.0003.0003.0068).

¹²⁵ Biosecurity Status Document (No 5): Ruby Princess (19 March 2020, 7.39 am) (AWE.0001.0001.0122).

b. a green traffic light for 'Vessel Pratique and Ship Sanitation', from amber.

169. The BSD (No 5) was automatically sent by MARS at this time to the [REDACTED]@carnivalaustralia.com' and [REDACTED]@princesscruises.com'.¹²⁶ As pratique does not appear to have been granted orally by a biosecurity officer prior to this time, this is the time at which pratique was first communicated to the vessel operator.

Movement of passengers through the OPT: 19 March 2020

170. As passengers came off the vessel, ABF officers collected incoming passenger cards (other than the cards from the isolated passengers referred to at [156]). Passengers were handed a document titled 'Information for International Travellers' by Agriculture staff, with assistance from ABF officers.¹²⁷ Both ABF and Agriculture staff were present in the OPT at this time. ABF and Agriculture officers were not involved in the organisation of how disembarkation from the ship occurred.
171. At around 8.34 am, Mr Ozger replied to Mr Snook's email at [161] and provided a report, together with a copy of the Human Health Report for the ship and a document with the personal details of a number of passengers.¹²⁸ Mr Ozger also received a call from an internal Home Affairs telephone number at 8.34 am, lasting three minutes and 53 seconds.¹²⁹
172. At some time between 8.34 am and 8.38 am, the Port Agent said to Mr Ozger that the test results had come back negative.¹³⁰ Mr Ozger asked the Port Agent to send this information to him in writing in an email. (Two days later, on 20 March, Mr Ozger recalls telephoning Ms Tokovic with Mr Snook, during which conversation Ms Tokovic denied saying that tests had come back negative. Mr Murray recalls a conversation with Ms Tokovic to similar effect.)
173. At 8.38 am, Ms Tokovic sent an email to Mr Ozger saying 'Please see below patient list'.¹³¹ The email attached a file entitled 'Lab form for coronavirus testing from a cruise ship', which was a document headed 'Ruby Princess', 'Specimens: Viral swabs', with a cross next to 'CoVID-19 PCR' in the 'Tests required' field.¹³² The final column on the form was headed 'Rapid flu test result (if done)' and the values for each passenger row within that column recorded 'A+B Negative'. Mr Ozger was anticipating this email, and quickly reviewed it before preparing the email described at [174]. It is apparent from the conversation referred to at [172] above and the

¹²⁶ Agriculture, BSD Issuance Timeline for Ruby Princess (AWE.0003.0011.0027).

¹²⁷ Information for International Travellers (15 March 2020, Version 2) (AWE.0003.0004.0055).

¹²⁸ Email, Omer Ozger to Andrew Snook, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20 (19 March 2020, 8.34 am) (DHA.0001.0002.1161; DHA.0001.0002.1166; DHA.0001.0002.1167; DHA.0001.0002.0975).

¹²⁹ Call logs, Mr Omer Ozger ('Mobile 1') (19 March 2020) (DHA.0002.0007.0008) row 3.

¹³⁰ Officer's Notebook: Omer Ozger at p 19.

¹³¹ Email, Bibi Tokovic to Sydney Boarding Officers, Subject: FW: Lab form for coronavirus testing from a cruise ship (19 March 2020, 8.38 am) (DHA.0001.0002.1311).

¹³² Lab form for coronavirus testing from a cruise ship (19 March 2020) (DHA.0001.0002.0985).

events described below (including at [174]-[176]), that Mr Ozger misinterpreted this document. The functions and powers which Mr Ozger exercised on the morning of 19 March 2020 arose under the Migration Act and Customs Act, rather than the Biosecurity Act.

174. At around 9.07 am, Mr Ozger provided a further report to Mr Snook, copying Mr Vandam, and attaching three documents.¹³³ Mr Vandam is Mr Snook's Inspector and sits next to him at the ABF offices in Mascot. Mr Ozger reported: '[a]dvice received (see attached doctors report) from Port Agent re swab tests from isolated pax on Ruby Princess. All tests returned back NEGATIVE.' The documents attached to Mr Ozger's email comprised the two documents referred to at [171] and the document headed 'Ruby Princess', 'Specimens: Viral swabs' referred to at [173].¹³⁴
175. At around the time Mr Snook received the email, he also placed a phone call to Mr Ozger.¹³⁵ Mr Ozger said words to the effect: 'I've just sent you through an email that I got from the agent. She said everything came back negative'.
176. Between around 9.07 am and 9.54 am, Mr Ozger obtained a piece of paper from the Port Agent containing the names of passengers who had been tested.¹³⁶ Mr Ozger made markings on the paper to indicate the remaining isolated passengers. The document is annotated 'Isolated + Tested passengers x 12 + 1 x crew – All Negative'. Mr Ozger used this document to generate the table in the email he sent to Mr Snook at 9.54 am, discussed immediately below.
177. At around 9.54 am, Mr Ozger provided a further report to Mr Snook, copying Mr Vandam.¹³⁷ In the email, Mr Ozger set out a table containing personal details including name, passenger/crew, status, 'Swabs Taken' and 'Results'. Mr Ozger used the hard copy document provided by the Port Agent to compile the table.
178. At around 10.05 am, Mr Ozger sent an email to a 'Seaports Sydney' email address maintained by Agriculture.¹³⁸ Mr Ozger sent the email following a conversation with Mr Odermatt. Mr Odermatt does not recall this conversation but recalls receiving the email.

¹³³ Email, Omer Ozger to Andrew Snook, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20 (19 March 2020, 9.07 am) (DHA.0001.0002.0975; DHA.0001.0002.0981; DHA.0001.0002.0982; DHA.0001.0002.0985).

¹³⁴ Lab form for coronavirus testing from a cruise ship (DHA.0001.0002.0985).

¹³⁵ Call logs, Mr Omer Ozger ('Mobile 1') (19 March 2020) (DHA.0002.0007.0008) row 4 indicate that Mr Ozger received a call from Phil Berry's telephone number at 9.04 am, lasting around two minutes. It seems likely, given the proximity of Mr Berry and Mr Snook's respective desks, that Mr Snook called Mr Ozger from Mr Berry's telephone, given that both Mr Ozger and Mr Snook recalled speaking to each other around the time of Mr Ozger's 9.07 am email to Mr Snook.

¹³⁶ List of isolated passengers (annotated) (DHA.0002.0001.0011).

¹³⁷ Email, Omer Ozger to Andrew Snook, Subject: Ruby Princess into OPT 19MAR2020 (19 March 2020, 9.54 am) (DHA.0001.0002.1187).

¹³⁸ Email, Omer Ozger to Seaports Sydney, Subject: Ruby Princess into OPT 19MAR2020 (19 March 2020, 10.05 am) (DHA.0001.0002.1194; DHA.0001.0002.1196; DHA.0001.0002.1197; DHA.0001.0002.1199).

179. Mr Ozger does not recall if all of the passengers had disembarked by around 10.00 am, but he thinks they may not have. He recalls that he received a message that the 11 isolated passengers were about to come off.¹³⁹ He recalls mentioning to someone that ABF did not need to interact with them and they could just go straight out. He believes, but cannot be sure, that this occurred after he received information about all of the tests coming back negative.
180. Between around 10.00am and 11.00am, Mr Ozger said to Ms Milosevic that the isolated passengers would be disembarking. Ms Milosevic and Ms Tokovic then had a conversation, after all of the non-isolated passengers had disembarked, in which Ms Milosevic recalls Ms Tokovic stating, in response to a question about the remaining passengers disembarking, words to the effect that 'they are all negative'.
181. The Agriculture officers packed up the arrivals hall after the last passengers had disembarked. Mr George concluded his shift at the OPT at around 10.30am.¹⁴⁰ Mr Odermatt left to go back to the Agriculture offices at some time between around 10.30 am and 11.30 am.

ABF and Agriculture communications: 12.00 pm to 11.59 pm, 19 March 2020

182. At around 12.03 pm, HBO Professor Ferson forwarded an email chain concerning the Ruby Princess to Mr Odermatt and others.¹⁴¹ The email chain contained references to uncertainty about what was happening with the Ruby Princess and references to the 'low' risk assessments for the ship.
183. At around 12.43 pm, Mr Odermatt sent an email to Mr Craig Hall and Ms Teresa Ferrer in which he provided information obtained from the email sent by Mr Ozger at 10.05 am regarding the circumstances of the arrival of the Ruby Princess.¹⁴² While Mr Odermatt referred in his email to having spoken to Kelly 'yesterday', this was a mistake. He had instead communicated with her by text message on the morning of 19 March 2020.

Commonwealth Health's involvement in the events of 19 March 2020

184. By virtue of its administrative arrangements with NSW Health and Agriculture, Commonwealth Health was not directly involved in the processing or disembarkation of the Ruby Princess, nor did it provide specific advice as to the health risk posed by the Ruby Princess prior to disembarkation.
185. Commonwealth Health generally received a daily report from NSW Health titled, 'NSW Health Public Health Emergency Operations Centre COVID-19 Situation Report' which addressed a range of matters (including cases of COVID-19, testing,

¹³⁹ Officer's Notebook: Omer Ozger (DHA.0002.0001.0001) at p 19.

¹⁴⁰ Cruise Vessel Overtime Sign on Sheet and Stamp Log' (19 March 2020) (AWE.0003.0002.0019).

¹⁴¹ Email, Mark Ferson to various recipients including Mr Odermatt, Subject: 'Ruby Princess – tomorrow' (19 March 2020, 12.03 pm) (AWE.0003.0004.0057).

¹⁴² Email, Franz Odermatt to Craig Hall and Teresa Ferrer, Subject: 'RE: Ruby Princess' (19 March 2020, 12.43 pm) (AWE.0003.0004.0063).

public communications etc).¹⁴³ The report dated 18 March 2020 (received on the evening of 18 March 2020 at 10.36 pm) referred to four cruise ships arriving in Sydney on 19 March 2020, indicating that they 'were assessed as being at low risk and so will not have a Health team assessment dockside'. There was no information included in this report regarding the basis for the 'low risk' assessment.

186. Commonwealth Health was first provided with specific human biosecurity information about the vessel at 9.36 am on 19 March 2020, when Ms Keating, MTPC, ABF, forwarded an email chain to various persons, including Commonwealth Health's 'Humanbiosecurity' mailbox, which read: 'for your situational awareness'.¹⁴⁴
187. Commonwealth Health became aware of positive tests in respect of Ruby Princess passengers in the evening of 19 March 2020. When notified, Commonwealth Health offered assistance to NSW Health in relation to contact tracing, if required. Commonwealth Health was involved in alerting other jurisdictions to the positive cases from the Ruby Princess and providing information, where needed. Commonwealth Health did not have direct contact with passengers as part of the contact tracing process. Rather, it provided information to relevant jurisdictional public health units to enable them to undertake contact tracing activities.

¹⁴³ Email, Robin Gilmour (NSW Health), Subject: NSW Health PHEOC Novel Coronavirus Sitrep 57 – 18 Mar 2020 (18 March 2020, 10.36 pm) (HEA.0002.0002.0085) attaching Sitrep 57 18 Mar 2020 COVID-19 (18 March 2020) (HEA.0002.0002.0087).

¹⁴⁴ Email, Dionne Keating ('Maritime Travellers Processing Committee') to Kerri Bradford (Infrastructure), 'Depart of Health', 'Dept of Agriculture' and Andrew Johnson (Infrastructure), Subject: FW: FOR INFO: UPDATE 3: TASKING BA176 - RUBY PRINCESS (NSW) (19 March 2020, 9.36 am) (DHA.0001.0002.1180).

INDEX TO DOCUMENTS ACCOMPANYING STATEMENT

	Document name	Document date	Document ID
1.	Letter from AGS to Commission	15 May 2020	AGS.0001.0001.0001
2.	Letter from Commission to AGS	15 May 2020	AGS.0001.0001.0003
3.	Instrument of appointment (authorisation of biosecurity officers) [signature redacted]	1 February 2020	HEA.0003.0001.0001
4.	Standard Operating Procedure – Appointing and Revoking of CHBOs and HBOs	August 2019	HEA.0001.0001.0158
5.	<i>Biosecurity (Human Biosecurity Officials) Authorisation (No. 6) 2020</i> (Cth) [names of officers other than New South Wales officers redacted]	2 March 2020	HEA.0001.0001.0147
6.	Letter from the Hon Sussan Ley MP, Health Minister, to Dr Vicky Sheppard, Chief Human Quarantine Officer, NSW Health	31 May 2016	HEA.0001.0001.0006
7.	Letter from Dr Vicky Sheppard, Chief Human Quarantine Officer, NSW Health to the Hon Susan Ley MP, Health Minister	3 June 2016	HEA.0001.0001.0008
8.	Schedule: Agreement with the States and Territories for the provision of Human Quarantine Services [sensitive financial information and signatures redacted]	13 December 2016	HEA.0001.0001.0009
9.	Head Memorandum of Understanding for the	19 October 2017	HEA.0001.0001.0253

	collaborative working relationship between Agriculture and Health		
10.	Schedule 3 – Human Biosecurity Services, Schedule to MOU	28 November 2018	HEA.0001.0001.0263
11.	Australian Health Management Plan for Pandemic Influenza	August 2019	HEA.0005.0001.0029
12.	Australian Health Sector Emergency Response Plan for Novel Coronavirus	2020	HEA.0005.0001.0261
13.	Coronavirus disease (COVID-19)	6 March 2020	HEA.0005.0001.0359
14.	Novel coronavirus (COVID-19)	15 March 2020	HEA.0005.0001.0358
15.	National Protocol for managing novel coronavirus disease (COVID-19) risk from cruise ships	6 March 2020	HEA.0002.0001.1034
16.	Various versions of the National Guidelines for Public Health Units on COVID-19	23 January 2020 - 13 May 2020	HEA.0002.0004.0001 - HEA.0002.0004.0630
17.	MARS - Vessel Agent User Guide	March 2017	AWE.0003.0008.0401
18.	MARS - Vessel Master User Guide	March 2017	AWE.0003.0008.0527
19.	Pre-Arrival Form (version Int 106)	undated	AWE.0003.0003.0009
20.	Human Health Update (version Int 17)	undated	AWE.0003.0003.0007
21.	Biosecurity Management of Commercial Vessels – Policy Framework (version 1.0) [sensitive information re: methodology for assessing	November 2017	AWE.0003.0008.0887

	non-human biosecurity risk redacted]		
22.	<i>Migration (VES 20/002: Class of Persons Taken Not to Enter Australia) Determination 2020 (Cth)</i>	20 February 2020	DHA.0001.0003.1731
23.	Work Instruction – Undertake a Routine Vessel Inspection	12 May 2017	AWE.0002.0001.0282
24.	Work Instruction – Undertake a Human Health Inspection on board international vessels	12 May 2017	AWE.0002.0001.0258
25.	Guideline – Death or illness of a traveller on board an international vessel	26 August 2019	HEA.0002.0001.1011
26.	Assessing Ill Travellers at Australia's International Border	May 2019	HEA.0001.0001.0198
27.	Traveller with Illness Checklist – Air and Sea Travellers	3 March 2020	HEA.0002.0001.1058
28.	National Protocol for Pandemic (H1N1) 2009 on Cruise Ships,	July 2009	HEA.0002.0001.1321
29.	Timeline for implementation of COVID-19 questions	undated	AWE.0003.0011.0028
30.	Email, Craig Hall to Guy Bursle, Subject: NSW Health and Cruise Vessels	21 February 2020	AWE.0001.0002.0010
31.	Email, Mark Ferson to Franz Odermatt, Subject: Schedule of ships for health assessment	21 February 2020	AWE.0001.0002.0012 AWE.0001.0002.0008
32.	Email, Franz Odermatt to Robert Rybanic, Subject: Cruise vessel terminal coronaviruses Announcements	6 March 2020	AWE.0003.0004.0069 AWE.0003.0004.0070 AWE.0003.0004.0071 AWE.0003.0004.0072

33.	Email, Franz Odermatt to various recipients including [REDACTED]@carnivalaustralia.com', Subject: FW Traveller fact sheets	16 March 2020	AWE.0003.0004.0052 AWE.0003.0004.0055
34.	Email, Franz Odermatt to various recipients, Subject: FW: FOR NOTING AND ACTION: COVID-19 Update – TIC country list	18 March 2020	AWE.0003.0004.0073 AWE.0003.0004.0075
35.	Maritime Travellers Processing Permission for Vessel – Ruby Princess	18 March 2020	DHA.0001.0002.0915
36.	Pre-Arrival Report: Ruby Princess	16 March 2020	AWE.0001.0001.0006
37.	Factsheet Email Template	As at 16 March 2020	AWE.0003.0008.1467
38.	Logs of emails sent to addresses associated with Ruby Princess	16 March 2020 - 24 March 2020	AWE.0003.0008.1453
39.	Excel spreadsheet entitled 'MARS task information'	25 May 2020	AWE.0003.0011.0036
40.	MARS Biosecurity Officer User Guide (version 2) [sensitive information re: methodology for assessing non-human biosecurity risk redacted]	February 2020	AWE.0003.0008.0025
41.	Biosecurity Status Document (No 1): Ruby Princess	16 March 2020	AWE.0001.0001.0106
42.	BSD Issuance Timeline for Ruby Princess	undated	AWE.0003.0011.0027
43.	Human Health Report (No 1): Ruby Princess	16 March 2020	AWE.0001.0001.0012

44.	Biosecurity Status Document (No 2): Ruby Princess	16 March 2020	AWE.0001.0001.0110
45.	Biosecurity Status Document (No 3): Ruby Princess	16 March 2020	AWE.0001.0001.0114
46.	Biosecurity Status Document (No 4): Ruby Princess	16 March 2020	AWE.0001.0001.0118
47.	Human Health Report (No 2): Ruby Princess	18 March 2020	AWE.0001.0001.0016
48.	Email, Leeanne Whitney to Maritime Travellers Processing Committee ('mtpc@abf.gov.au'), Subject: MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT (2.31 pm) Email, Dionne Keating ('Maritime Travellers Processing Committee') to 'Sydney Boarding Supervisors', 'Depart of Health', 'Dept of Agriculture' and Andrew Johnson, Subject: FW MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT	18 March 2020	DHA.0001.0002.0874
49.	Debarcation Report	18 March 2020	DHA.0001.0002.0876
50.	MTPC Application Form	18 March 2020	DHA.0001.0002.0877
51.	Email, Andrew Snook to 'Maritime Travellers Processing Committee', Subject: Approved MTPC Applications	18 March 2020	DHA.0001.0002.1133
52.	Email, Bibi Tokovic to various recipients, Subject: Fwd **updated arrival time** RUBY PRINCESS 19 MAR 20 – Programme – OPT	18 March 2020	DHA.0001.0003.4079

53.	Email, Dionne Keating ('Maritime Travellers Processing Committee') to David Carter, Subject: FW: MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT – approval required	18 March 2020	DHA.0001.0002.0890 DHA.0001.0002.0892 DHA.0001.0002.0893 DHA.0001.0002.0895
54.	Email, David Carter to Dionne Keating ('Maritime Travellers Processing Committee'), Subject: RE: MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT – approval required	18 March 2020	DHA.0001.0003.4089
55.	Email, Fiona Pattison ('Arrivals') to 'Maritime Travellers Processing Committee', Subject FW MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT	18 March 2020	DHA.0001.0002.0904
56.	Email, Dionne Keating ('Maritime Travellers Processing Committee') to [REDACTED]@carnivalaus tralia.com, Subject: FW: MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT – approval	18 March 2020	DHA.0001.0002.0910 DHA.0001.0002.0912 DHA.0001.0002.0913 DHA.0001.0002.0915
57.	Email, Dionne Keating ('Maritime Travellers Processing Committee') to 'Sydney Boarding Supervisors', 'Depart of Health', 'Dept of Agriculture' and Andrew Johnson, Subject: FW MTPC FORM (NEW) RUBY PRINCESS 19 MAR OPT - approval	18 March 2020	DHA.0001.0002.0929 DHA.0001.0002.0931 DHA.0001.0002.0932 DHA.0001.0002.0934.
58.	Email, Bibi Tokovic to various recipients, Subject: Fwd **updated arrival time** RUBY	18 March 2020	DHA.0001.0003.1468

	PRINCESS 19 MAR 20 – Programme – OPT		
59.	Email, Savio Dsouza to 'Sydney Boarding Officers', 'SEOC' and [REDACTED]@carnivalaustralia.com', Subject: RUBY PRINCESS- SYDNEY ARRIVAL 2B GUEST MANIFEST	18 March 2020	DHA.0001.0003.1471 DHA.0001.0003.1474
60.	Human Health Report (No 3): Ruby Princess	18 March 2020	AWE.0001.0001.0020
61.	Email, Gerard Hollands to LEL NSW Agencies, Subject: Ruby Princess Email, Karel Jenicek ('LEL NSW Agencies' to 'RCUNSW', Subject: LELNSW – Dissemination – NSWPOL - Ruby Princess	19 March 2020	DHA.0001.0002.1135
62.	Call logs, Mr Karel Jenicek (Work Mobile)	18 March 2020 - 19 March 2020	DHA.0002.0007.0018
63.	Call logs, Mr Karel Jenicek (Landline)	18 March 2020 - 19 March 2020	DHA.0002.0007.0015
64.	Call logs, On-call Intelligence Liaison Officer Line	18 March 2020 - 19 March 2020	DHA.0002.0007.0016
65.	Email, LEL NSW Agencies to Gerard Hollands, Subject: RE: Ruby Princess	19 March 2020	DHA.0002.0004.0020
66.	Call logs, NSW RCU (Ms Sharon Khan)	19 March 2020	DHA.0002.0007.0001
67.	Call logs, Mr Shane Murray (Work mobile)	19 March 2020	DHA.0002.0007.0009
68.	Email, Sharon Khan ('RCUNSW') to 'ICC-One',	19 March 2020	DHA.0001.0002.0424 DHA.0001.0002.0426

	Subject: FW: Bio Security Declaration		DHA.0001.0002.0430 DHA.0001.0002.0431
69.	Email, Cameron Butchart to 'RCUNSW', Subject: FW: BIO SECURITY DECLARATION	19 March 2020	DHA.0001.0002.1137 DHA.0001.0002.1139 DHA.0001.0002.1143 DHA.0001.0002.1147
70.	Email, Mick Lund ('ICC-One') to 'ITOC Operations Centre', Subject: Ruby Princess Bio Security	19 March 2020	DHA.0001.0002.0434 DHA.0001.0002.0436 DHA.0001.0002.0450
71.	Email, Grant Nissen ('ICC-One') to 'RCUNSW', Subject: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20	19 March 2020	DHA.0001.0002.0445
72.	Email, Ian Hillhouse ('RCUNSW') to 'Sydney Boarding Supervisors' and Jeffrey Vandam, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20	19 March 2020	DHA.0001.0002.0968 DHA.0001.0002.0972
73.	Officer's Notebook: Omer Ozger	6 March 2020 - 7 April 2020	DHA.0002.0001.0001
74.	Email, Kieran Tabor 'ITOC Operations Centre' to 'ICC-One', Subject: Re Ruby Princess Bio Security	19 March 2020	DHA.0001.0002.0450
75.	Email, Ross Keeling 'ICC-One' to 'RCUNSW', Subject: TASKING BA135 – Ruby Princess Bio Security	19 March 2020	DHA.0001.0002.0469 DHA.0001.0002.0473
76.	Email, Andrew Snook to Omer Ozger, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20	19 March 2020	DHA.0001.0002.1154 DHA.0001.0002.1158 DHA.0001.0002.0975

77.	Email, Omer Ozger to Jeffrey Vandam, Subject: Ruby Princess	20 March 2020	DHA.0001.0002.1318 DHA.0001.0002.1320
78.	SMS Screenshots from Franz Odermatt's iPhone	19 March 2020	AWE.0001.0001.0032
79.	RVI Inspection	19 March 2020	AWE.0003.0003.0068
80.	Biosecurity Status Document (No 5): Ruby Princess	19 March 2020	AWE.0001.0001.0122
81.	Information for International Travellers (Version 2)	15 March 2020	AWE.0003.0004.0055
82.	Email, Omer Ozger to Andrew Snook, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20	19 March 2020	DHA.0001.0002.1161 DHA.0001.0002.1166 DHA.0001.0002.1167 DHA.0001.0002.0975
83.	Call logs, Mr Omer Ozger ('Mobile 1')	19 March 2020	DHA.0002.0007.0008
84.	Email, Bibi Tokovic to Sydney Boarding Officers, Subject: FW: Lab form for coronavirus testing from a cruise ship	19 March 2020	DHA.0001.0002.1311
85.	Email, Omer Ozger to Andrew Snook, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20	19 March 2020	DHA.0001.0002.0975 DHA.0001.0002.0981 DHA.0001.0002.0982 DHA.0001.0002.0985
86.	Lab form for coronavirus testing from a cruise ship	19 March 2020	DHA.0001.0002.0985
87.	List of isolated passengers (annotated)	undated	DHA.0002.0001.0011
88.	Email, Omer Ozger to Andrew Snook, Subject: Ruby Princess into OPT 19MAR2020	19 March 2020	DHA.0001.0002.1187

89.	Email, Omer Ozger to Seaports Sydney, Subject: Ruby Princess into OPT 19MAR2020	19 March 2020	DHA.0001.0002.1194 DHA.0001.0002.1196 DHA.0001.0002.1197 DHA.0001.0002.1199
90.	Cruise Vessel Overtime Sign on Sheet and Stamp Log'	19 March 2020	AWE.0003.0002.0019
91.	Email, Mark Ferson to various recipients including Mr Odermatt, Subject: 'Ruby Princess – tomorrow'	19 March 2020	AWE.0003.0004.0057
92.	Email, Franz Odermatt to Craig Hall and Teresa Ferrer, Subject: 'RE: Ruby Princess'	19 March 2020	AWE.0003.0004.0063
93.	Email, Robin Gilmour (NSW Health), Subject: NSW Health PHEOC Novel Coronavirus Sitrep 57 – 18 Mar 2020	18 March 2020	HEA.0002.0002.0085
94.	Sitrep 57 18 Mar 2020 COVID-19	18 March 2020	HEA.0002.0002.0087
95.	Email, Dionne Keating ('Maritime Travellers Processing Committee') to Kerri Bradford (Infrastructure), 'Depart of Health', 'Dept of Agriculture' and Andrew Johnson (Infrastructure), Subject: FW: FOR INFO: UPDATE 3: TASKING BA176 - RUBY PRINCESS (NSW)	19 March 2020	DHA.0001.0002.1180



Special Commission of Inquiry into the Ruby Princess

EXHIBIT 119

Voluntary Statement of the Commonwealth of Australia dated 16 July 2020
and accompanying documents



Australian Government Solicitor

Voluntary submission to the Special Commission of Inquiry into the Ruby Princess

**Commonwealth of Australia (represented by the
Department of Health, the Department of Home
Affairs and the Department of Agriculture,
Water and the Environment)**

16 July 2020

The Australian Government Solicitor
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File ref: 20203214

Part I: Introduction

1. By letters patent issued on 15 April 2020, the Governor of New South Wales established the Special Commission of Inquiry into the Ruby Princess.
2. The terms of reference are set out in the letters patent, and require that the Special Commissioner inquire into and report, and make recommendations, to the NSW Government on certain matters. Those matters include the communications, decisions and actions of the Commonwealth, specifically (but not confined to) the ABF, which is part of Home Affairs, and Agriculture.

BACKGROUND

3. On 12 June 2020, the Commonwealth (represented by Home Affairs, Agriculture and Commonwealth Health) provided a voluntary statement and accompanying documents to assist the Commission (Statement). Before a hearing on 16 June 2020, Mr Beasley SC, Senior Counsel Assisting the Commission, described the voluntary statement as 'extremely detailed and of great assistance to the Commission'.¹
4. On 3 July 2020, the Commission invited the Commonwealth to provide submissions and information in relation to the 'Issues for consideration by interested parties' (List of Issues). 13 of the 40 issues in the List of Issues are in substance directed to the Commonwealth (ie, at [25]-[33]).
5. In a separate letter on 3 July 2020, the Commission wrote to AGS requesting that Ms Traci Joseph, a junior APS 4 Agriculture biosecurity officer, attend voluntarily to give evidence before the Commission. Later that day, AGS wrote to the Commission, indicating that the Commonwealth respectfully declined the invitation in view of the comprehensive voluntary statement and accompanying documents already put before the Commission.
6. On 7 July 2020, the Commission wrote to AGS indicating that – having reviewed the Statement and AGS's 3 July letter declining the Special Commissioner's invitation for Ms Joseph to appear – the Special Commissioner had 15 specific questions and requests to the Commonwealth (First Questions Letter).
7. Separately, on 7 July 2020, the Special Commissioner issued a summons to appear to Ms Joseph. Consistently with the Commonwealth's longstanding position in relation to compulsory notices issued by State commissions of inquiry purporting to bind Commonwealth officers, AGS wrote to the Commission on 8 July 2020 respectfully requesting that the summons be withdrawn on the basis that the Special Commissioner lacked the power to issue it. On 9 July 2020, the Commission responded to that letter by indicating that the Special Commissioner had declined to withdraw the summons, providing an unqualified indication that the Special Commissioner did not intend to issue a warrant to require Ms Joseph's appearance before the Commission, but noting that she remained potentially subject to prosecution (although that matter was out of the Special Commission's hands). On

¹ Transcript, 16 June 2020, p1421.15-16.

10 July 2020, AGS responded to the Commission's 9 July letter by outlining the Commonwealth's continued concern as to the Special Commissioner's position (because of Ms Joseph's continued exposure to potential criminal liability, notwithstanding the Special Commissioner's assurance about not issuing a warrant), but foreshadowing an intention to seek to assist the Commission through a further submission. On 10 July 2020, the Commission provided a further list of 11 questions to be considered by the Commonwealth in preparing its submission (Second Questions Letter).

BASIS FOR VOLUNTARY SUBMISSION

8. The Commonwealth (represented by Home Affairs, Agriculture and Commonwealth Health) provides this submission to assist the Commission.
9. This submission is provided voluntarily. It should not be taken as a concession that the Commonwealth or its officers and employees are bound by the *Special Commissions of Inquiry Act 1983* (NSW) or are subject to any of the Commission's coercive powers. The Commission indicated by letter dated 16 July 2020 that it will not take this submission as being any such indication.

SCOPE OF VOLUNTARY SUBMISSION

10. This voluntary submission should be read together with the Statement and accompanying documents. It assumes a familiarity with the Statement and adopts the abbreviations used in it. It addresses the topics the subject of the List of Issues directed to the Commonwealth (ie, [25]-[33]), the First Questions Letter and the Second Questions Letter.
11. The voluntary submission is based upon the review and inquiries conducted by, and on behalf of, Commonwealth Health, Home Affairs and Agriculture to date. It has been prepared within a limited time frame and on the basis of materials identified as a result of those inquiries.

PREPARATION OF SUBMISSION

12. This submission has been prepared by the Australian Government Solicitor.

Part II: Submissions

13. The List of Issues, First Questions Letter and Second Questions Letter together pose 35 issues/questions directed to the Commonwealth. Some of those issues/questions overlap. Having regard to these issues/questions, this submission addresses thematically the following topics:
- a. the requirements of the National Protocol
 - b. communication of advice from NSW Health to Agriculture
 - c. Agriculture's on board checks
 - d. pratique
 - e. other matters raised by the Commission.

REQUIREMENTS OF THE NATIONAL PROTOCOL

14. The Commission has raised various questions in relation to the National Protocol, including as to its meaning and application in connection with the Ruby Princess.

Understanding the National Protocol in context

15. As noted in the Statement at [37], and as detailed at [85]-[89], Commonwealth Health developed the National Protocol in recognition of the unique COVID-19 risk posed by cruise ships. That occurred with input from a range of stakeholders, including State and Territory CHBOs such as the NSW CHBO, Dr Sean Tobin.²
16. The National Protocol consists of a high-level summary of the policy response to the biosecurity risk relating to COVID-19 posed by the arrival of cruise ships in Australia, as well as an outline of specific measures to be taken by cruise ship operators, State and Territory health authorities, and the Commonwealth. The National Protocol does not purport to detail exhaustively the arrangements specific to particular States or Territories. To the contrary, it explicitly leaves open to the discretion of State and Territory health authorities various matters that require the application of epidemiological expertise to the relevant circumstances confronting the jurisdiction for which they are responsible. The effect of the National Protocol in the present circumstances must therefore be considered in light of the applicable statutory and administrative framework, both generally and in NSW.
17. Relevantly, that framework provides for the authorisation of a CHBO, and of HBOs, for a State, who must be 'a medical practitioner employed by the State ... body responsible for the administration of health services in the State' or persons who the Director of Human Biosecurity is satisfied have 'appropriate clinical expertise', respectively: Biosecurity Act ss 562(1) and 563(1)(b).³ Certain NSW Health

² Statement at [87]-[89]; Transcript, pp 917.26; Statement of Sean Tobin dated 29 May 2020 (Exhibit 28) at [33]-[34].

³ Training and qualification requirements for HBOs determined under s 563(5) of the Biosecurity Act also require an HBO to be 'a medical practitioner': *Biosecurity (Training and Qualification Requirements for Human Biosecurity Officials) Determination 2016* (Cth) s 6.

employees have been so authorised, and arrangements made under s 564 between the Commonwealth Health Minister and the State of NSW. These arrangements outline various human biosecurity services to be provided by the State, including advising biosecurity officers concerning biosecurity measures to be performed if a vessel is suspected of having a communicable disease on board: see Statement at [21]-[27].

18. It is of particular significance that the arrangements entered into between Commonwealth Health and NSW Health proceed on the explicit basis that biosecurity officers do not themselves have the requisite experience to manage human health risk at the border and so in the exercise of their day-to-day functions, and in human biosecurity emergencies, will rely on input from medically-trained experts within NSW Health: see Statement at [9], [26].

NSW Health's assessment

19. The National Protocol provides for State and Territory health authorities to determine whether to undertake a human health risk assessment in relation to cruise ships and, where an agency has determined to do so, to undertake that risk assessment. By 18 March 2020, NSW Health had adopted a practice of undertaking a risk assessment in relation to all incoming cruise ships and a policy in relation to how it was going to do so.
20. It is clear that an assessment of human health risk regarding the arrival of the Ruby Princess on 19 March 2020 was made by NSW Health on 18 March 2020. The specific circumstances of the present matter included:
 - a. that NSW Health had developed processes for risk assessments and decisions whether to attend vessels, of which Agriculture was aware⁴
 - b. that NSW Health personnel did not attend the OPT on 19 March 2020
 - c. that at around 6 am on 19 March 2020, the biosecurity officer who presented to conduct a routine vessel inspection of the Ruby Princess (Ms Traci Joseph) recalls Carnival's port agent telling her that NSW Health would not be attending and that either the passengers were, or the vessel was, 'low risk': Statement at [150].
21. Read in light of the established statutory and administrative framework for the management of biosecurity risks, including human health risks, and the granting of pratique, as set out in the Commonwealth's Statement, particularly at [9]-[28] and [71]-[79], and as applicable in NSW, it is clear that the National Protocol envisaged that non-medically-trained biosecurity officers from Agriculture would act on the expert medical advice of a CHBO or HBO in exercising their functions as outlined in the National Protocol insofar as they concerned matters relevant to human health risk in relation to the grant of pratique.⁵

⁴ Statement at [97]-[98].

⁵ Cf List of Issues, [25].

22. The National Protocol did not envisage that a biosecurity officer would conduct an independent assessment of the human health risk associated with a particular vessel. Biosecurity officers simply do not have the requisite expertise to make complex medical assessments of that kind.
23. Contextual support for this reading is provided by the National Protocol stating:
- a. under the heading 'Additional Border Measures', that where swabs have been taken for testing under coordination by an HBO, and '[p]rovided there are no concerns about the COVID-19 risk profile of the ship or suspected COVID-19 cases reported', the 'HBO may advise the biosecurity officer that pratique can be granted' (p 6)
 - b. under the heading 'Management at First Port of Entry', that
 - '[t]he vessel will not be allowed to disembark travellers until the biosecurity officer, *in consultation with the HBO*, has made the appropriate assessments and pratique is granted' (p 9) (emphasis added), and
 - '[a]fter the HBO has determined that no other travellers have symptoms consistent with COVID-19 and possible contacts have been managed, pratique will be granted' (p 10), and
 - c. under the heading 'Possible management actions', that '[a]ctions taken by HBOs or state and territory health authorities will depend on the risk profile of the ship or of affected travellers ... and will need to be managed on a case-by-case assessment', with all three listed 'potential management actions that HBOs may consider' including a stipulation as to whether pratique is granted or not (p 11).
24. To characterise the National Protocol in this way is not to contend that a biosecurity officer would be prevented from making any further inquiries with an HBO or the CHBO if they become aware of circumstances that they considered may affect an assessment of human health risk. Nor is it to suppose that the National Protocol's provision for the application of existing processes, such as the administration of the Traveller Illness Checklist (TIC) (as discussed further below), is of no practical effect. It does, though, highlight that those functions are not undertaken for the purpose of informing a biosecurity officer's independent view about human health risk, but rather to feed into the assessment/advice of a medically-trained CHBO or HBO being the person with the expertise to make the relevant determination.
25. In light of the arrangements and circumstances described above, and as further described below, a biosecurity officer deciding whether to grant pratique on 19 March 2020 was entitled to conclude that NSW Health had assessed the human health risk of the Ruby Princess as low, and as not warranting further action, and to rely on that assessment in granting pratique.⁶

⁶ Second Questions Letter, Q8.

Decision to disembark pending test results was a matter for NSW Health

26. The Commission has raised as an issue the fact that disembarkation was permitted before test results arrived in view of the National Protocol.⁷ The National Protocol in this case did not require that disembarkation not be permitted before test results were known. Further, the question of whether to permit the disembarkation of passengers pending the return of test results for suspect COVID-19 cases was a matter for NSW Health.
27. The National Protocol outlines measures for responding to a 'Report of Listed Human Disease – COVID-19 Suspect Case or Potential Outbreak of Respiratory Illness', at p 7-11. This section commences by stating that '[w]here the ship's medical officer determines that there is a suspect case(s)⁸ of COVID-19 on board, or ... an outbreak of ILI on board with larger than expected numbers of tests are (sic) negative for influenza' then various measures 'should be taken'.
28. The National Protocol then provides on p 11 that '[a]ctions taken by HBOs or state and territory health authorities will depend on the risk profile of the ship or of affected travellers ... and will need to be based on case-by-case assessment', but nevertheless proposes three 'potential management actions that HBOs may consider'. Those proposed options, only one of which involves pratique not being granted until the results of testing are known (as to which, see [30.1] below), are as follows:
- Ship granted pratique and allowed to continue voyage as planned while samples are tested, provided the suspected case(s) and all close contacts have been disembarked, and proper cleaning undertaken.
 - Ship granted pratique but restrictions placed on the voyage, for example (but not limited to):
...
 - Ship is not granted pratique until the results of testing are received, an assessment of risks has been completed and a management plan has been decided, for example where there is an outbreak of influenza-negative ILI.
29. It is against that background that the following general statements on p 6 of the National Protocol must be understood:
- a. 'all cruise ships are required to ... provide any stored swabs urgently to state/territory health officials for rapid transport to laboratory testing facilities, under coordination by the HBO', and
 - b. '[p]rovided there are no concerns about the COVID-19 risk profile of the ship or *suspected COVID-19 cases reported*, the HBO may advise the biosecurity

⁷ List of Issues, [28].

⁸ Fn 6 of the National Protocol refers at this point to the 'Interim advice to public health units – COVID-19', which is available on Commonwealth Health's website. Various iterations of that advice accompany the Commonwealth's Statement.

officer that pratique can be granted and the ship may be allowed to continue the voyage while samples are being tested' (emphasis added).

30. Two points arise from that context.
- 30.1. First, the proviso on p 6 of the National Protocol – to the effect that, if there are suspected COVID-19 cases reported, an HBO may not advise a biosecurity officer that pratique can be granted while samples are being tested – only applies where the ship's doctor has *determined* that there is a suspect case of COVID-19 on board, and reported that fact in accordance with the consequent measures outlined, eg, on page 9 under the heading 'Pre-Arrival Requirements'. No such report was received by the MNCC in respect of the Ruby Princess so as to engage the proviso. The Commonwealth is not aware of any such report being received by NSW Health.
- 30.2. Secondly, and in any event, the National Protocol makes clear that the response to such a report is to be assessed by HBOs and State and Territory health authorities on a case by case basis. The National Protocol does not provide for independent assessment of those matters by non-medically-trained biosecurity officers. The response given by NSW Health in relation to the arrival of the Ruby Princess, as communicated to the ship's senior doctor, was to require 15 swabs to be sent to NSW Health's lab for COVID-19 testing, and to permit passengers to disembark whilst indicating that they must self-isolate for 14 days.⁹ This approach was confirmed when Ms Ressler, in response to a text from Mr Odermatt at 7.31 am on 19 March 2020 asking whether she knew that '18 samples for testing came off the Ruby Princess' and whether ABF and Agriculture should be concerned, advised that this was of 'no concern', indicated that '[t]he ship was assessed as low risk', and that '[a]ll are ok to debark but all to go into home isolation': Statement, [165] and further at [43] below.

HOW NSW HEALTH CONVEYED ITS ADVICE

31. As explained in the Statement at [25], and above, the Commonwealth has entered into an agreement with NSW Health for the provision of human biosecurity services at Australia's borders in New South Wales.
32. Agriculture does not have written policies that provide for the mechanism by which human biosecurity advice is provided by the CHBO and HBOs at NSW Health to biosecurity officers at the Port of Sydney.¹⁰ Rather, prior to and following the COVID-19 pandemic, an arrangement existed whereby communication regarding matters related to human biosecurity occurred mainly between Ms Kelly-Anne Ressler and Mr Odermatt. More generally, biosecurity officers (including Ms Joseph) were aware that Ms Ressler was a contact point at NSW Health, and her number was pre-programmed in Agriculture's 'on call' phone at the OPT.
33. In mid-February, Mr Odermatt recalls asking NSW Health to provide him with a list of ships it was planning to attend, in response to which NSW Health provided

⁹ Exhibit 16 before the Special Commission, Statement of Kelly-Anne Ressler (1 May 2020) at [87], Annexure KAR-19 at 199.

¹⁰ Cf Second Questions Letter, Q1.

Agriculture with a general description of its internal risk assessment processes for cruise ships by emails on 21 February 2020: Statement at [97]. In response to Mr Odermatt's follow-up request that he be notified by text or email 'once the risk assessment is done and [NSW Health] decides to attend a vessel' at OPT, Ms Kelly-Ann Ressler replied 'sure' and Prof Ferson indicated that the process was 'for a NSW Health panel to review each cruise ship risk assessment by about 1 pm on the day prior to arrival, so unless there is missing information on a particular ship, we will notify ... yourself after that': see the documents cited in Statement at fn 58.¹¹ In practice, notification of the outcome of NSW Health risk assessments was typically made by text message from Ms Ressler to Mr Odermatt.

34. That process was followed regularly in the five weeks before 18 March 2020, but ceased in the days leading up to that date: Statement, [98]. Inquiries were not made with NSW Health prior to 19 March 2020 as to why those notifications ceased, although the evidence before the Commission suggests this may have been because of Ms Ressler's workload.¹² As Agriculture had been notified of the process undertaken by NSW Health by the emails described in the Commonwealth's Statement at [97], and as the process had been generally followed for some time prior to 18 March 2020, a biosecurity officer was entitled to conclude from the non-attendance of NSW Health at a cruise ship arrival that it had assessed the vessel as 'low risk'.¹³
35. While the available inference that the vessel had been assessed as 'low risk' was in this case correct, it would have been preferable if explicit confirmation had been sought from NSW Health as to their assessment. In view of the matters described above, and as a necessary corollary to addressing the matters described at [47], the Commonwealth accepts that there is a need to improve lines of communication to the CHBO and HBOs within NSW Health.
36. Agriculture has already begun taking steps to address the above matters, including by, together with Health and State and Territory health authorities, developing new uniform national protocols that provide for the assessment of COVID-19 risk of commercial vessels other than cruise ships. These protocols make clear the circumstances under which written advice from a HBO is required to support a decision about pratique. State and Territory health authorities will, under these arrangements, specify HBO contacts for each first port of entry (including the Port of Sydney) for the purposes of this advice. When international cruise voyages recommence, the Commonwealth intends to agree new protocols that build on the foregoing measures.

AGRICULTURE'S ON BOARD CHECKS

37. The Commission has raised various questions relating to the on board checks carried out by Ms Joseph. This section seeks to describe what occurred in terms of

¹¹ Cf Second Questions Letter, Q2.

¹² Cf Second Questions Letter, Q3; see, eg, Statement of Kelly-Anne Ressler dated 1 May 2020 (Exhibit 16) at [98]-[101].

¹³ Second Questions Letter, Q10a.

on board checks and identifies some aspects of those processes which could be improved.

Human Health Inspection

38. The practice of Agriculture at the Port of Sydney was not to require biosecurity officers to interview the Master, and was for biosecurity officers to rely on the Pre-Arrival Report and Human Health Update forms submitted in completing the Human Health section of the routine vessel inspection forms.¹⁴
39. Ms Joseph completed these aspects of the Human Health Inspection with Mr Odermatt once off the vessel and without regard to the medical log. The Commonwealth considers that it would have been desirable had there been a consistent practice in place at the Port of Sydney whereby biosecurity officers did check the medical logs.¹⁵

Traveller Illness Checklist (TIC)

40. Notwithstanding stipulations in Agriculture work instructions and guidelines, both prior to and after the advent of COVID-19, a practice existed within Agriculture of not administering the TIC to each sick passenger on cruise ships arriving in Australia at the Port of Sydney.¹⁶ While the TIC is well-adapted to the arrival of passenger planes (which typically carry significantly fewer number of passengers and proportionally fewer ill passengers), it was considered that it would take an impractical amount of time to administer on cruise ships, particularly where there had been a significant outbreak of illness on board. In that circumstance, the assumption of biosecurity officers at the Port of Sydney was that the human health risk posed by that outbreak would be managed by NSW Health, as they would attend the vessel in such cases.
41. In the 5 weeks leading up to the arrival of the Ruby Princess on 19 March 2020, biosecurity officers at the Port of Sydney relied entirely on HBOs, and NSW Health generally, to make a global assessment of the level of human biosecurity risk associated with the arrival of cruise ships, including to make any necessary inquiries directly with the ship's medical staff, and to advise them if any measures ought to be taken in response to that assessment: see generally [19]-[25] above. Biosecurity officers considered it appropriate to rely on NSW Health in this way because NSW Health staff were in direct contact with ships' doctors and they therefore had more – and more up to date – information. In this way, biosecurity officers at the Port of Sydney understood that NSW Health had taken control of the human health situation insofar as it concerned the risk posed by COVID-19.

¹⁴ Second Questions Letter, Q6a; contra Agriculture, Work Instruction – Undertake a Routine Vessel Inspection, 12 May 2017, p 10 (AWE.0002.0001.0282) [Cth VS #23].

¹⁵ Cf Second Questions Letter, Q6b and Q9.

¹⁶ First Questions Letter, Q9c; Second Questions Letter, Q7 and Q11

COVID-19 swabs

42. Ms Joseph first found out about the swabs when she signed the landing orders for them while on board: Statement at [155]. She does not recall Ms Tokovic mentioning anything about swabs before boarding the Ruby Princess on 19 March 2020.¹⁷
43. Ms Joseph discussed the matter of the swabs, for which she had signed landing orders, with her supervisor, Mr Odermatt once she disembarked the ship: Statement, [155], [164]. Mr Odermatt then raised this matter directly with NSW Health by his text message at 7.31 am:¹⁸

Mr Odermatt: Hi Kelly 18 samples for testing came off the Ruby Princess this morning Do you know about this and should we, Agriculture & Borderforce be concerned Franz

Ms Ressler: Hi Franz yes they are sending samples, no concern. The ship was assessed as low risk but we're going to test them anyway, they did have elevated numbers of flu. All are ok to debark but all to go into home isolation due to the new rules. Do you know if ABF are enforcing this?

Mr Odermatt: Yes, we are handing out the notice for isolation to all disembarking pax and crew here at seaports, I'm not sure how this is monitored once they get home

Ms Ressler: Thanks Franz

44. Ms Ressler's response was the last communication received from NSW Health in relation to their human health risk assessment in respect of the arrival of the Ruby Princess on 19 March 2020.¹⁹
45. The practices adopted by Agriculture at the Port of Sydney did not require Ms Joseph to make any assessment of the relevance of the swabs in connection with the duties she performed on that day and it is apparent that nothing at Agriculture occurred in connection with those swabs beyond the exchange of text messages described above.²⁰

Agriculture's Human Health Inspection practices in relation to cruise ships arriving at the Port of Sydney

46. Although the assessment of human health risk is principally a matter for NSW Health, and biosecurity officers for obvious reasons rely heavily on the advice of medically-trained HBOs and the CHBO at NSW Health, the Commonwealth accepts that the Human Health Inspection plays an important role in:

¹⁷ Second Questions Letter, Q4.

¹⁸ See Statement at [165]; SMS Screenshots from Franz Odermatt's iPhone (19 March 2020) (AWE.0001.0001.0032) [Cth VS, #78]

¹⁹ First Questions Letter, Q9a.

²⁰ Cf Second Questions Letter, Q5.

- a. verifying the information provided by a cruise ship operator, which may be material to the assessment of human health risk in circumstances where there are inaccuracies in the information reported by a cruise ship operator
 - b. assessing the status of human health risk on board a vessel at the time of granting pratique, which, although in tension with the pre-arrival assessment process adopted by NSW Health, is a policy outcome that the Commonwealth considers to be critically important and which, in hindsight, should have been pursued by the Commonwealth engaging with NSW Health at a policy level to ensure that processes reflected this policy outcome (acknowledging that resourcing limitations are likely to have had a significant impact on the approach that was adopted).
- 47. The Commonwealth accepts that a Human Health Inspection of the Ruby Princess was, according to its own policies (although not by law), required on 19 March 2020 and that as a result of specific practices followed at the Port of Sydney, aspects of that Human Health Inspection (including administration of the TIC) were not completed.
- 48. The circumstances of the Ruby Princess have highlighted the need to address these matters, which appear to be attributable to:
 - a. some inconsistency between Agriculture's policies and practices that were followed at the Port of Sydney
 - b. technological limitations which in this case (and more generally) result in biosecurity officers not being able to access the MARS System whilst on board a vessel.
- 49. There is no suggestion that the Commonwealth officer involved in the Human Health Inspection of the Ruby Princess acted other than in good faith and in a manner consistent with practice in accordance with the practices established by Agriculture at the Port of Sydney. The above matters are being addressed by the Commonwealth by a review of its policies, training and supervision arrangements at the Port of Sydney. In this context, Agriculture has already commenced a process of seeking to address these matters as follows:
 - a. considering changes to instructional material, which may include the creation of a specific work instruction for the Human Health Inspection, as a distinct aspect of the routine vessel inspection process, which accounts for local arrangements
 - b. administering training to biosecurity officers, including at the Port of Sydney, in relation to the Human Health Inspection and pratique, some of which has already been delivered with the remainder intended to be delivered prior to the recommencement of cruise operations – this training will also be offered to CHBOs and HBOs
 - c. in collaboration with Commonwealth Health, re-considering the utility and process for administering the TIC in relation to the disembarkation of large cruise ships (carrying thousands of passengers), including with a view to

identifying alternative processes that secure the policy objectives outlined at [46] above

- d. developing solutions to eliminate the need for connectivity whilst on-board cruise ships.

PRATIQUE

- 50. As explained in the Statement at [75] and [108], the Ruby Princess, in relation to its arrival in Sydney on 19 March 2020, fell into a class of vessels specified in writing under s 49(1) of the Biosecurity Act in respect of which pratique was to be granted by a biosecurity officer. Accordingly, it was for a biosecurity officer to grant pratique, orally or in writing, under s 49(4).
- 51. The Commonwealth's view is that pratique was granted by Ms Joseph, a biosecurity officer, by her submission of a routine vessel inspection form in MARS at 7.37 am in the circumstances outlined in the Commonwealth's statement at [167]. That decision was then, by the issuance of a Biosecurity Status Document (No 5), formally communicated to the operator of the Ruby Princess at 7.39 am.²¹
- 52. Two matters should be emphasised about what occurred:
 - 52.1. First, although pratique appears not to have been formally granted before disembarkation, clearly passengers were permitted to disembark in advance of that occurring and no biosecurity officers sought to prevent passengers from disembarking. In that sense, there was a practical granting of pratique to allow passengers to depart before the biosecurity officer could return to shore to get connectivity for her tablet to allow the MARS system to be updated.
 - 52.2. Secondly, the reason Ms Joseph's routine vessel inspection form was submitted at 7.37 am, rather than at an earlier time when Ms Joseph was completing her routine vessel inspection aboard the Ruby Princess, was that Ms Joseph had been unable to obtain an online connection to MARS while on board: Statement at [167]. The delay in formally granting pratique in MARS is unlikely to have been of practical consequence in this case. Further, as at around 7.31 am, NSW Health's assessment remained that the vessel was 'low risk': see [43] above.
- 53. Notwithstanding the above, it is evident that there are matters of process at the Port of Sydney in relation to the granting of pratique that the Commonwealth acknowledges should be addressed. In clearing vessels, the attention of biosecurity officers appears to have been largely focussed on biosecurity issues arising from cargo, luggage, waste and ballast water, rather than on human health issues. As described above, non-medically-trained biosecurity officers considered that they played a formal rather than substantive role in the management of human health risks associated with cruise ships arriving at the Port of Sydney, and in that context, relied entirely on NSW Health to make an assessment of those risks and to advise Agriculture of any actions required to be taken as a result. While the role of

²¹ Second Questions Letter, Q10, noting that if the Commission envisages a need to account for disembarkation absent authority to do so, then that is a question more appropriately directed to the cruise ship operator.

biosecurity officers is obviously not to supplant the human health risk assessment of medically-trained HBOs with their own, and while it is difficult to speculate as to the significance of the practices adopted in carrying out biosecurity functions as followed in the present case, these are clearly matters which, in the context of the granting of pratique in relation to cruise ships, the Commonwealth acknowledges should be addressed.

54. In this context, Agriculture has already commenced a process of seeking to address these matters as follows:
- a. as described at [49.b] above, administering training to biosecurity officers in relating to the Human Health Inspection and the granting of pratique, and
 - b. considering what changes can be made to MARS and inspection e-forms to advise biosecurity officers:
 - when pratique is required to be granted, and
 - when specific advice should be sought from a HBO.

OTHER MATTERS RAISED BY THE COMMISSION

55. The Commission has raised in the First Questions Letter and Second Questions Letter a number of matters that can be dealt with discretely.

ABF notices

56. The ABF notice at Exhibit 29, Tab 55 was prepared in consultation with Agriculture and Commonwealth Health on the basis of advice from Commonwealth Health that was current as at the time the notice was prepared on 17 March 2020 and provided to Carnival representatives that day.²² That ABF notice was consistent with the 'Information for International Travellers' document in relation to travellers being allowed to complete transit travel.²³
57. On the morning of 19 March 2020, Agriculture and ABF handed out the 'Information for International Travellers' document to all passengers disembarking from the Ruby Princess: see Statement at [170]. That document stated that '[a]ll travellers must isolate for a period of 14 days after they have entered Australia.' That document also provided details for the National Coronavirus Help Line and Commonwealth Health's website if passengers required more information.
58. Mr Ozger (ABF) recalls that while passengers were disembarking, and following some questions about the commencement of the isolation period, he asked the port agent, Ms Bibi Tokovic, to relay to the purser that isolation commenced from arrival rather than from the last port of call, so that an announcement could be made on

²² Email, Trav Pol Secretariat to various recipients, Subject: Updated messaging for cruise ship travellers dated 17 March 2020 (17 March 2020, 1.59 pm) and attachments (DHA.0003.0001.0016; DHA.0003.0001.0017; DHA.0003.0001.0019; DHA.0003.0001.0021).

²³ Information for International Travellers (15 March 2020, Version 2) (AWE.0003.0004.0055) [Cth VS #33].

board. Mr Ozger recalls being told by someone that an announcement to that effect had been made on board. While Mr Ozger does not recall at what time those conversations occurred, it seems likely that it was at some time before 8.34 am, which is when he sent an update to Mr Snook (ABF) that referred to the announcement having been made.²⁴

59. It follows from the foregoing that Ruby Princess passengers were advised that the 14 day quarantine period was to start from the date of their entry into Australia, not from the date the vessel departed from the last international port before heading to Australia.

Agriculture / Commonwealth Health

60. No separate schedule in respect of 'human biosecurity emergency response services' as referred to in clause 4.5 of Schedule 3 of the Memorandum of Understanding (MOU), referred to in [29] of the Statement and produced at Tab 10, has been prepared at this time.²⁵
61. The Assistant Secretary of Border Health from Commonwealth Health and Assistant Secretary of Border Controls Branch from Agriculture have regular scheduled meetings to discuss matters concerning human biosecurity and as at 9 July 2020 two meetings have taken place in 2020. Two other meetings were scheduled for the first half of 2020 but were cancelled due to COVID-19 workload and because both agencies were in regular contact, often daily, through other channels in relation to COVID-19 matters.²⁶

Marine Arrivals Reporting System (MARS)

62. MARS does not generate an automatic email or alert directed to persons outside of Agriculture.²⁷
63. Question 2.3.3 appears in the MARS Pre Arrival Report in the section related to gastrointestinal illness and is not intended to refer to infection and spread of any other disease.²⁸

²⁴ Email, Omer Ozger to Andrew Snook, Subject: FW: Cruise vessel – Ruby Princess – Sydney arrival – 19MAR20 (19 March 2020, 8.34 am) (DHA.0001.0002.1161; DHA.0001.0002.1166; DHA.0001.0002.1167; DHA.0001.0002.0975) [Cth VS, #82]. Note that the email refers to the announcement about the 14 day isolation period having been made.

²⁵ Cf First Questions Letter, Q6.

²⁶ Cf First Questions Letter, Q7.

²⁷ Cf First Questions Letter, Q8.

²⁸ First Questions Letter, Q12.

Commonwealth policies

64. The Commonwealth has provided the Commission with all policies relevant to the disembarkation of the Ruby Princess and otherwise relevant to the Commission's terms of reference.²⁹

Training for NSW HBOs and CHBOs

65. The training administered by Health to HBOs and CHBOs has been addressed in the Statement and referred to in the evidence provided to the Commission by Dr Sean Tobin.³⁰
66. The training provided by Commonwealth Health to HBOs on the Biosecurity Act is intended to be general training on the human health aspects of the Biosecurity Act, and is not intended to provide advice on specific situations or outbreaks. It has not been updated to include specific guidance on the COVID-19 pandemic. That training may be supplemented by further training mandated by CHBOs within their own jurisdiction, as appropriate. HBOs are registered medical practitioners and are typically trained in the assessment of viral communicable diseases, such as respiratory illnesses. The general approach to health assessment of COVID-19 outbreaks is similar and within the core capability of HBOs.
67. The Commonwealth does not consider that training for CHBOs and HBOs with regard to the granting of pratique was inadequate. The purpose of the Commonwealth Health-provided training and policies was to provide high level guidance on the roles and responsibilities of CHBOs/HBOs and not to prescribe specific actions or outcomes such as a protocol or work instruction would provide.
68. Prior to the pandemic, Commonwealth Health had engaged a training provider to deliver updated training through a face-to-face training roadshow in April-June 2020. However, with restrictions on travel, physical distancing requirements, and the workload of HBOs in responding to the pandemic, this training program is now being redeveloped for a virtual video-based format.

Updates to TIC

69. The TIC was updated on 7 occasions in 2020 in consultation with Agriculture and following endorsement by CHBOs, in light of the evolving situation.³¹

Health data

70. The Commission has requested certain data in relation to the spread of COVID-19 infection in cases relating to the Ruby Princess.³² Commonwealth Health does not collect its own data, but rather relies on reports from States and Territories.

²⁹ Cf First Questions Letter, Q1, Q2 and Q5.

³⁰ Cf First Questions Letter, Q4.

³¹ First Questions Letter, Q3 and Q11. See copies of updates to the TIC at HEA.0006.0002.0001 – 0062.

³² First Questions Letter, Q13.

71. Based on reporting between 14-19 May 2020, Commonwealth Health assessed on 13 July 2020 that there have been 726 COVID-19 cases associated with the Ruby Princess including:
- a. 663 primary cases (including two probable cases) amongst passengers, with 20 deaths resulting from those cases,
 - b. 62 secondary and tertiary cases, with no deaths resulting from those cases, and
 - c. 1 case reported on 19 May 2020 that is under investigation to determine if it is a primary or secondary case.
72. There are four critical limitations to the above dataset:
- a. the figures may 'double-count' cases reported separately in different States / Territories
 - b. the figures may not include any or all of 189 of the 202 crew members who tested positive whilst the ship was docked in New South Wales in mid-April, as Commonwealth Health understands that those cases were generally excluded from the data reported by NSW Health to Commonwealth Health (but that 13 such were definitely included)
 - c. to the extent that NSW Health's data did exclude any or all of those 189 crew member cases, the data set also excludes secondary and tertiary cases associated with those cases
 - d. the figures rely on the accuracy of reporting by State / Territory health services to Commonwealth Health, which Commonwealth Health has not independently verified.

When Health became aware of positive test results

73. The Statement at [187] indicates that Commonwealth Health became aware of positive tests in respect of Ruby Princess passengers in the evening of 19 March 2020. That assertion was made solely on the basis of the recollection of an officer within Commonwealth Health that she received a call from a NSW Health officer in the evening of 19 March 2020 regarding positive COVID-19 test results in respect of the passengers on the Ruby Princess. A review of the relevant officer's phone records has neither corroborated nor contradicted the recollection. There is a possibility that the call may have been received at another time.

INDEX TO DOCUMENTS ACCOMPANYING SUBMISSION

	Document name	Document date	Document ID
96.	Email, Trav Pol Secretariat to various recipients, Subject: Updated messaging for cruise ship travellers dated 17 March 2020 and attachments	17 March 2020	DHA.0003.0001.0016 DHA.0003.0001.0017 DHA.0003.0001.0019 DHA.0003.0001.0021
97.	TIC updates	2020	HEA.0006.0002.0001 HEA.0006.0002.0002 HEA.0006.0002.0003 HEA.0006.0002.0004 HEA.0006.0002.0005 HEA.0006.0002.0006 HEA.0006.0002.0015 HEA.0006.0002.0024 HEA.0006.0002.0034 HEA.0006.0002.0044 HEA.0006.0002.0053 HEA.0006.0002.0062

From: Trav Pol Secretariat
Sent: Tue, 17 Mar 2020 13:59:12 +1100
To: [REDACTED]@cruising.org; [REDACTED]@carnivalaustralia.com; [REDACTED]@carnivalaustralia.com; [REDACTED]@carnivalaustralia.com; [REDACTED]@rcclapac.com; [REDACTED]@rcclapac.com; [REDACTED]e@pocruises.com.au; [REDACTED]@awe.gov.au; Bursle, Guy [REDACTED]@agriculture.gov.au; [REDACTED]@health.gov.au; Joel; HICKS, Gillian; Susan Gavin; Cooper, Barbara; JOHNSON Andrew; HALL Jessica; ICC-One
Cc: Trav Pol Secretariat
Subject: Updated messaging for cruise ship travellers dated 17 March 2020
[SEC=UNCLASSIFIED]
Attachments: Messaging for cruise ship travellers dated 17 March 2020.pdf, coronavirus-covid-19-isolation-guidance_3 - Final 15 March 9.36pm (003).pdf, Information sheet for international travellers COVID-19 - FINAL 15 March....pdf

UNCLASSIFIED

Good afternoon all

Please see attached the updated messaging for cruise ship passengers, along with the [health factsheets](#) which provide the latest information on COVID-19.

The Australian Government is closely monitoring the situation and the attached advice will be updated as needed. It is important to continue to monitor the [ABF website](#) and the [Department of Health website](#).

Please direct any questions to TravPolSecretariat@abf.gov.au

Regards

Alice Stanley
Assistant Secretary
Traveller Branch | Customs Group
Australian Border Force
P: 02 [REDACTED] | M: [REDACTED]
E: [REDACTED]@abf.gov.au

UNCLASSIFIED



MESSAGING TO CRUISE SHIP PASSENGERS

On 15 March 2020 the Prime Minister of Australia announced that international cruise ship operations will cease and all travellers entering Australia from 0001 AEDST 16 March 2020 must undertake a precautionary self-isolation period for 14 days upon entry to Australia.

For any travellers who are entering Australia for less than 14 days, you must self-isolate for the entire duration of your stay.

The 14 day self-isolation period commences the day your cruise ship departs from the last international port before heading to Australia, unless you have been notified that people on board the ship are unwell and suspected of having COVID-19.

- As an example, if your cruise ship has travelled for 8 days since the last port of departure before arriving in Australia, the self-isolation period will be for the remaining six days.
- You will be provided further instructions if someone on board is suspected of having COVID-19.

We are working with the cruise industry to implement the restriction, particularly to bring everyone currently on a cruise safely back to port and on to their home destinations either in Australia or overseas.

The self-isolation period applies to any traveller (including passengers or crew) entering Australia including on a cruise ship.

If you are an Australian citizen or permanent resident:

- If you have domestic connections to your final destination, you may travel to the airport for your flight.
 - If you are not travelling directly to the airport you must self-isolate at your hotel or other accommodation until you travel to the airport.
- You must then self-isolate at home or your final destination for the remainder of the 14 day period.

If you are an international visitor:

- If you have an onward domestic or international connection:
 - You may travel to the airport for your departing flight.
 - If you are travelling domestically, you must self-isolate for the remainder of the 14 day period once you have arrived at your final destination in your accommodation.
- If you have existing domestic or international connections but are not travelling directly to the airport, you must self-isolate at your hotel or other accommodation until you travel to the airport.

– 2 –

- If you do not have any existing domestic or international connections, you must self-isolate at your accommodation upon arrival in Australia for the remainder of the 14 day period.

The Australian Government is closely monitoring the situation and this advice will be updated as needed. It is important to continue to monitor the [ABF website](#) and the [Department of Health website](#).

The Department of Health has published 'Information for Travellers' and 'Isolation guidance' fact sheets, including what to do if you become ill after arrival in Australia. These are available at www.health.gov.au/covid19-travellers.



Australian Government
Department of Health

Coronavirus disease (COVID-19)

Isolation guidance

If you have returned to Australia from overseas, or been in close contact with a confirmed case of coronavirus, special restrictions apply. This information sheet should be read in conjunction with the 'What you need to know' and 'Isolation guidance' information sheets at

www.health.gov.au/covid19-resources

Who needs to isolate?

All people who arrive in Australia from midnight 15 March 2020, or think may they have been in close contact with a confirmed case of coronavirus, are required to self-isolate for 14 days.

Stay at home or in your hotel

When travelling home or to your hotel to start isolation use personal transport, such as a car, to minimise exposure to others. If you need to use public transport (e.g. taxis, ride-hail services, trains, buses and trams), follow the precautions outlined in the public transport guide at

www.health.gov.au/covid19-resources

During the 14 days of isolation, you must stay at home or in your hotel and don't go to public places including work, school, childcare, university or public gatherings. Only people who usually live with you should be in the home. Do not see visitors. If you are in a hotel, avoid contact with other guests or staff.

If you are well, there is no need to wear surgical masks at home. Ask others who are not in isolation to get food and necessities for you. If you must leave home, such as to seek medical care, wear a surgical mask. If you don't have a mask, take care to not cough or sneeze on others. For more information about when to wear a mask, visit: www.health.gov.au/covid19-resources

Monitor symptoms

When in isolation, monitor yourself for symptoms including fever, cough, sore throat, tiredness or shortness of breath. Other possible symptoms include chills, body aches, runny nose and muscle pain.

What do I do if I get sick?

If you develop symptoms (fever, a cough, sore throat, tiredness or shortness of breath) within 14 days of returning to Australia, or within 14 days of last contact of a confirmed case, you should arrange to see your doctor for urgent assessment.

You should telephone the health clinic or hospital before you arrive and tell them your travel history or that you have been in contact with a confirmed case of coronavirus.

You must remain isolated either in your home, hotel or a healthcare setting until public health authorities inform you it is safe for you to return to your usual activities.

How can I prevent the spread of coronavirus?

Practising good hand and sneeze/cough hygiene and keeping your distance from others when you are sick is the best defence against most viruses. You should:

- Wash your hands frequently with soap and water, before and after eating, and after going to the toilet.
- Cover your cough and sneeze, dispose of tissues, and wash your hands.
- If unwell, avoid contact with others (stay more than 1.5 metres from people).

- Exercise personal responsibility for social distancing measures.

Going outside

If you live in a private house, it is safe for you to go into your garden or courtyard. If you live in an apartment or are staying in a hotel, it is also safe for you to go into the garden but you should wear a surgical mask to minimise risk to others and move quickly through any common areas.

Advice for others living with you

Others that live with you are not required to be isolated unless they meet one of the isolation criteria outlined above. If you develop symptoms and are suspected to have coronavirus, they will be classified as close contacts and will need to be isolated.

Cleaning

To minimise the spread of any germs you should regularly clean surfaces that are frequently touched such as door handles, light switches, kitchen and bathroom areas. Clean with household detergent or disinfectant.

Managing the 14 day isolation

Being in isolation can be stressful and boring. Suggestions include:

- Keep in touch with family members and friends via telephone, email or social media.
- Learn about coronavirus and talk with others.
- Reassure young children using age-appropriate language.
- Where possible, keep up normal daily routines, such as eating and exercise.
- Arrange to work from home.
- Ask your child's school to supply assignments or homework by post or email.
- Do things that help you relax and use isolation as an opportunity to do activities you don't usually have time for.

More information

For the latest advice, information and resources, go to www.health.gov.au

Call the National Coronavirus Help Line on 1800 020 080. It operates 24 hours a day, seven days a week. If you require translating or interpreting services, call 131 450.

The phone number of your state or territory public health agency is available at www.health.gov.au/state-territory-contacts

If you have concerns about your health, speak to your doctor.



Australian Government
Department of Health

Novel coronavirus (COVID-19)

Information for international travellers

There is currently a global outbreak of novel coronavirus (COVID-19).

Symptoms of COVID-19 are similar to other respiratory illnesses and can include fever, sore throat, cough, tiredness and shortness of breath. This information sheet should be read in conjunction with the 'What you need to know' and 'Isolation guidance' information sheets. Go to www.health.gov.au/covid19-travellers for the list of high risk countries and information sheets.

Who is required to stay at home?

All travellers must isolate for a period of 14 days after they have entered Australia. If you need to transit domestically, you may complete this transit and then begin your precautionary 14 day self-isolation period. If you have a layover, you must remain in the airport or self-isolate in your accommodation for the transit period. Refer to the 'Isolation guidance' information sheet for further information.

If you have returned from a country or region that is at higher risk for COVID-19, you may also be required to undergo enhanced health screening on arrival in Australia.

What do I do if I am sick right now?

If you are experiencing symptoms of COVID-19, let a member of the airline or ship crew know now. If you are in the airport or seaport contact a biosecurity officer now.

What do I do if I get sick while in Australia?

If you become unwell, you must:

- Stay in your home or hotel.
- Isolate yourself from others and use a separate bathroom if available.
- Put on a surgical mask if you are near other people. If you don't have one, cover your cough and sneeze.
- Wash your hands frequently with soap and water and use alcohol-based hand rub.
- Call a doctor and tell them your recent travel history.

If you have serious symptoms such as difficulty breathing, call 000, ask for an ambulance and notify the ambulance officers of your recent travel history.

How can I prevent the spread of coronavirus?

Practising good hand and sneeze/cough hygiene is the best defence against most viruses:

- Wash your hands frequently with soap and water, including before and after eating, and after going to the toilet.
- Cover your cough and sneeze, dispose of tissues, and wash your hands.
- If unwell, avoid contact with others (stay more than 1.5 metres from people).

More information

For the latest advice, information and resources, go to www.health.gov.au

Call the National Coronavirus Help Line on 1800 020 080. It operates 24 hours a day, seven days a week. If you require translating or interpreting services, call 131 450.

The phone number of each state or territory public health agency is available at www.health.gov.au/state-territory-contacts

If you have concerns about your health, speak to a doctor.
Information for international travellers – Version 2 (15/03/2020)
Novel coronavirus (COVID-19)



Australian Government
Department of Health

Novel coronavirus (COVID-19)

Information for Traveller with Illness Checklist version 19 Guidance for Department of Agriculture, Water & the Environment

List of countries with increased coronavirus risk

There is currently a global outbreak of novel coronavirus (COVID-19).

Question 1 in the Traveller with Illness Checklist (TIC) has been updated to ask the ill traveller if they *'Have been to a country which is at a higher risk of coronavirus in the past 14 days?'*

If the traveller is unsure if they have been in a higher risk country, please refer to the list below.

An updated list will be provided to the Department of Agriculture, Water & the Environment every Monday, Wednesday and Friday. The list is consistent with information provided in the Department of Health's COVID-19 Series of National Guidelines.

Please ensure you are referencing the most current list.

List of countries with increased risk of coronavirus – 03 March

Countries which include transit	<ul style="list-style-type: none"> • Mainland China • Iran • Italy • South Korea
Countries which do not include transit.* *If the traveller has not left the port environment in these countries, answer 'no' to Question 1.	<ul style="list-style-type: none"> • Cambodia • Hong Kong • Indonesia • Japan • Singapore • Thailand



Australian Government
Department of Health

Novel coronavirus (COVID-19)

Information for Traveller with Illness Checklist version 19 Guidance for Department of Agriculture, Water and the Environment

List of countries with increased coronavirus risk

There is currently a global outbreak of novel coronavirus (COVID-19).

Question 1 in the Traveller with Illness Checklist (TIC) has been updated to ask the ill traveller if they *'In the 14 days before your symptoms started, were you in a country with an increased coronavirus risk?'*

An updated list will be provided to the Department of Agriculture, Water and the Environment regularly. The list is consistent with information provided in the Department of Health's COVID-19 Series of National Guidelines.

Please ensure you are referencing the most current list.

List of countries with increased risk of coronavirus* – 06 March

***Note:** This list does not apply to travellers who have transited through the above countries within the last 24 hours.

- Mainland China
- Iran
- Italy
- South Korea
- Cambodia
- Hong Kong
- Indonesia
- Japan
- Singapore
- Thailand



Australian Government
Department of Health

Novel coronavirus (COVID-19)

Information for Traveller with Illness Checklist version 19 Guidance for Department of Agriculture, Water and the Environment

List of countries with increased coronavirus risk

There is currently a global outbreak of novel coronavirus (COVID-19).

Question 1 in the Traveller with Illness Checklist (TIC) has been updated to ask the ill traveller if they *'In the 14 days before your symptoms started, were you in a country with an increased coronavirus risk?'*

An updated list will be provided to the Department of Agriculture, Water and the Environment regularly. The list is consistent with information provided in the Department of Health's COVID-19 Series of National Guidelines.

Please ensure you are referencing the most current list.

List of countries with increased risk of coronavirus* – 10 March

***Note:** This list does not apply to travellers who have only transited through these countries within the last 24 hours.

- Mainland China
- Iran
- Italy
- South Korea
- Cambodia
- Hong Kong
- Indonesia
- Japan
- Singapore
- Thailand



Australian Government
Department of Health

Novel coronavirus (COVID-19)

Information for Traveller with Illness Checklist version 19 Guidance for Department of Agriculture, Water and the Environment

There is currently a global outbreak of novel coronavirus (COVID-19).

Question 1 in the Traveller with Illness Checklist (TIC) has been updated to ask the ill traveller '*In the 14 days before your symptoms started, were you in a country with an increased coronavirus risk?*'

An updated list will be provided to the Department of Agriculture, Water and the Environment regularly. The list is consistent with information provided in the Department of Health's COVID-19 Series of National Guidelines.

Please ensure you are referencing the most current list.

List of countries with increased risk of coronavirus* – 17 March

***Note:** This list does not apply to travellers who have only transited within the last 24 hours.

- Mainland China
- Iran
- Italy
- Republic of Korea

IF THE TRAVELLER HAS NOT BEEN IN ONE OF THE COUNTRIES LISTED ABOVE:

- a) Remind the traveller to refer to the Information for international travellers COVID-19 factsheet from their airline; and
- b) Provide the traveller with a surgical mask if they do not already have one; and
- c) Continue administering the TIC as per normal processes:
 - If the TIC prompts the traveller to 'seek own medical advice', advise the traveller to do so as outlined in the fact sheet.



Australian Government
Department of Health

Novel coronavirus (COVID-19)

Information for Traveller with Illness Checklist version 18 – List of countries with higher coronavirus risk

There is currently a global outbreak of novel coronavirus (COVID-19).

Question 1 in the Traveller with Illness Checklist (TIC) has been updated to ask the ill traveller if they *'Have been to a country which is at a higher risk of coronavirus in the past 14 days?'*

If the traveller is unsure, please refer to the list below.

This list will be updated every 48 hours and provided to the Department of Agriculture, Water & the Environment. The list is consistent with information provided in the Department of Health's COVID-19 Series of National Guidelines.

Please ensure you are referencing the most current list.

List of countries with higher risk of coronavirus – 28 February

- Mainland China
- Cambodia
- Hong Kong
- Indonesia
- Iran
- Italy
- Japan
- Singapore
- South Korea
- Thailand

Traveller with Illness Checklist

Air and Sea Travellers

Step 1: Determine if the person has had a fever, chills or sweats

Ask the ill traveller...

At any time in the last 24 hours have you had a fever, chills or sweats; OR A new coughing illness which developed in the past 2 weeks?	<input type="checkbox"/> Yes
--	------------------------------

If **NO** or **DO NOT KNOW** advise the traveller to seek their own medical advice.

If **YES**, continue to **STEP 2**

UPDATE February 2020: Initial screening question has been expanded and Question 1 – Step 3.0 has been modified.

UPDATE January 2020: Additional screening questions have been added (Question 1 & 2 -Step 3.0 and Questions 21 & 22 – Step 4.0). Please ensure they are completed prior to contacting a Human Biosecurity Officer.

When assessing an ill traveller on an aircraft, the following aircraft door policy applies

DAWR Policy update as of 23 August 2018:

‘During the biosecurity assessment of an ill traveller on board an aircraft, the aircraft door must be in the closed (but not latched/locked) position’.

During the assessment of the ill traveller on board the aircraft, under Section 48 of the Biosecurity Act, the aircraft has not yet been granted pratique and it is a legislative requirement that the **operator of the aircraft ensures** that individuals **do not** disembark unless permission to do so is given by the attending biosecurity officer or human biosecurity officer.

Failure to do so may result in non-compliance action against the operator of the airline, *which may include a civil penalty of 120 penalty units.*

This policy update is to provide consistency to:

- operational staff
- airline operators, and
- prevent individuals from disembarking the aircraft prior to pratique being granted.

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Step 2: Collect information**Assessment details**

Name of airport/seaport:		
Date of assessment:		
Was the assessment conducted:	<input type="checkbox"/> Face to face	<input type="checkbox"/> Over the phone (vessels only)
Name Biosecurity officer(s):		
Department of Agriculture was notified of an ill traveller by:	<input type="checkbox"/> the Airline/Vessel Master prior to disembarkation from the vessel Name of Airline/ Vessel Master: <input type="checkbox"/> Australian Border Force <input type="checkbox"/> Other If other, please specify: _____	
	Was non-compliance action against airline/vessel recorded? NB: a Non-Compliance Report Notification Form should be completed, where applicable <input type="checkbox"/> Yes <input type="checkbox"/> No	
What symptoms or information were provided with notification?		
Was a HBO/CHBO contacted?	<input type="checkbox"/> Yes Provide details at Step 4, page 7.	<input type="checkbox"/> No No details required.

III Traveller's personal particulars:

Name (first name and surname)	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Indeterminate/intersex/unspecified
Date of Birth (dd/mm/yy)	
Nationality	
Flight Number / Vessel Name	
Origin of flight/voyage	
Contact address in Australia	
Contact number in Australia	
Final destination in Australia	
Email address	

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Ask the ill traveller...	Tick as appropriate	
1) Have you been to a country which is at a higher risk of coronavirus in the past 14 days?*	<input type="checkbox"/> Yes ➤ Action Required: See Directions Below	<input type="checkbox"/> No ➤ Go to Question 2
2) Have you recently been in contact with any unwell people who were suspected or confirmed to have coronavirus?	<input type="checkbox"/> Yes ➤ Action Required: See Directions Below	<input type="checkbox"/> No ➤ Go to STEP 3.1

*For biosecurity officers: if the traveller is unsure, please refer to the current country list provided by the Department of Health.

*For State/territory health officials: please refer to the COVID-19 Series of National Guidelines.

Directions if Action Required

If **YES** to **either** Question 1 **or** 2:

- Immediately proceed to **Question 21, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.1: Establish if there are other symptoms

Please complete the entire checklist in full. All questions (as indicated) must be asked of the ill traveller and recorded.

Step 3.1: Cough

Ask the ill traveller...	Tick as appropriate		
3) Do you have a new coughing illness, which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Ask Questions 4 to 9		<input type="checkbox"/> No ➤ Go to STEP 3.2
4) Have you been in contact with any birds or bird products within the last two weeks (e.g. handling, slaughtering or eating raw poultry products)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5) Have you recently been in contact with any unwell people who were suspected or confirmed to have Avian Influenza?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6) Have you recently handled samples (animal or human) suspected of containing Avian Influenza virus in a laboratory or other setting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
7) Have you recently been in contact with any unwell people who were suspected or confirmed to have MERS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
8) Have you recently been in a healthcare facility while in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
9) Have you recently been in contact with camels or drunk raw camel milk or eaten camel meat in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **YES** to Questions 4, 5, 6, 7, 8 or 9 immediately proceed to **Question 21, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** or **DO NOT KNOW** to all of the above continue to **STEP 3.2**.

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Step 3.2: Bleeding and bruising

Ask the ill traveller....	Tick as appropriate	
10) Have you been in any country within Africa* in the last 3 weeks?	<input type="checkbox"/> Yes Ask Questions 11 to 13	<input type="checkbox"/> No ➤ Go to STEP 3.3

* Not including Egypt

Ask the ill traveller....	Tick as appropriate	
11) Do you have any unusual bleeding, such as bleeding from the eyes or ears or nose?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12) Do you have any severe bruising?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13) Do you have any of the following symptoms: muscle aches, vomiting, diarrhoea or severe headache?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If **YES** to **any of** Question 11 **or** 12 **or** 13, immediately proceed to **Question 21, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** to Question 11 **and** 12 **and** 13 continue to **STEP 3.3**.

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Step 3.3: Rash

Ask the ill traveller...	Tick as appropriate	
14) Do you have a new rash which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Go to Question 15	<input type="checkbox"/> No ➤ Go to STEP 3.4
15) Is the rash itchy?	<input type="checkbox"/> Yes ➤ Go to STEP 3.4	<input type="checkbox"/> No ➤ Action Required: See Below

If **NO** to Question 15:

- Immediately proceed to **Question 21, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.4: Yellow eyes and/or skin

Ask the ill traveller...	Tick as appropriate	
16) Have you, or anyone around you, noticed the whites of your eyes and/or skin has yellowed?	<input type="checkbox"/> Yes ➤ Go to Question 17	<input type="checkbox"/> No ➤ Advise person to seek own medical advice
17) Were you in Africa, South/Central America or the Caribbean within the last 6 days (including transit)?	<input type="checkbox"/> Yes ➤ Go to Question 18	<input type="checkbox"/> No ➤ Advise person to seek own medical advice

18) Which country(s) did you visit?

South or Central America/Caribbean	Africa	
<input type="checkbox"/> Argentina (Misiones province and Corrientes province only)	<input type="checkbox"/> Angola	<input type="checkbox"/> Guinea
<input type="checkbox"/> Bolivia	<input type="checkbox"/> Benin	<input type="checkbox"/> Guinea-Bissau
<input type="checkbox"/> Brazil	<input type="checkbox"/> Burkina Faso	<input type="checkbox"/> Kenya
<input type="checkbox"/> Colombia	<input type="checkbox"/> Burundi	<input type="checkbox"/> Liberia
<input type="checkbox"/> Ecuador (excluding the Galapagos Islands)	<input type="checkbox"/> Cameroon	<input type="checkbox"/> Mali
<input type="checkbox"/> French Guiana	<input type="checkbox"/> Central African Republic	<input type="checkbox"/> Mauritania
<input type="checkbox"/> Guyana	<input type="checkbox"/> Chad	<input type="checkbox"/> Niger
<input type="checkbox"/> Panama	<input type="checkbox"/> Congo, Democratic Republic of the	<input type="checkbox"/> Nigeria
<input type="checkbox"/> Paraguay	<input type="checkbox"/> Congo, Republic of the	<input type="checkbox"/> Rwanda
<input type="checkbox"/> Peru	<input type="checkbox"/> Cote d'Ivoire (Ivory Coast)	<input type="checkbox"/> Senegal
<input type="checkbox"/> Suriname	<input type="checkbox"/> Equatorial Guinea	<input type="checkbox"/> Sierra Leone
<input type="checkbox"/> Trinidad	<input type="checkbox"/> Ethiopia	<input type="checkbox"/> South Sudan
<input type="checkbox"/> Venezuela	<input type="checkbox"/> Gabon	<input type="checkbox"/> Sudan
	<input type="checkbox"/> Gambia	<input type="checkbox"/> Togo
	<input type="checkbox"/> Ghana	<input type="checkbox"/> Uganda
<input type="checkbox"/> None of the countries listed above	<input type="checkbox"/> None of the countries listed above	

If **NONE of the countries listed above**, advise the person to seek their own medical advice. Otherwise if a country(s) is selected from the above, **proceed to Question 19**.

	Tick as appropriate		
19) Do you have a Yellow Fever vaccination certificate?	<input type="checkbox"/> Yes ➤ Go to Question 20	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **NO or DO NOT KNOW** to Question 19 immediately proceed to **Question 21, STEP 4** and contact a Human Biosecurity Officer.

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<u>Through observation...</u>	Tick as appropriate	
20) Yellow Fever vaccination certificate sighted?	<input type="checkbox"/> Yes Advise ill traveller to seek own medical advice	<input type="checkbox"/> No

If **NO** to Question 20, complete **Question 21, STEP 4** and immediately contact a Human Biosecurity Officer.

Step 4: HBO/ CHBO Contact Summary

To be completed in circumstances where a Human Biosecurity Officer (including the Chief Human Biosecurity Officer) is to be contacted regarding the ill traveller.

Ask the ill traveller...	Tick as appropriate
21) When did your symptoms start?	<input type="checkbox"/> less than one week ago <input type="checkbox"/> one to two weeks ago <input type="checkbox"/> more than two weeks ago Go to Question 22.
22) What countries have you visited in the last month?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Proceed to contacting a Human Biosecurity Officer and complete Section 1 - 3 below.

SECTION 1

(C)HBO Name:			
State / Territory:			
Time contacted:		Time advice received:	
Advice provided: <input type="checkbox"/> Traveller to seek own medical advice. No Further information required <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> Further assessment required. ➤ Complete Section 2 & 3			

SECTION 2

Please complete the record of communications made during the administration of the Checklist.

CONTACT LOG		
Person contacted	Date and time	Purpose

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SECTION 3

☐ (C)HBO detailed in Section 1 advised that:

“Duty of care for this traveller has been transferred to you as the relevant Human Biosecurity Officer”

☐ Traveller transferred by ambulance to _____ (name of hospital)

☐ Traveller subject to a Human Biosecurity Control Order (HBCO)

HBCO reference:

Traveller referred to (please tick appropriate):

☐ Hospital

☐ GP

☐ Other

☐ Traveller provided with a Yellow Fever Action Card

☐ Other - please specify _____

Once the TIC is completed, scan all pages and e-mail to humanbiosecurity@health.gov.au.

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Traveller with Illness Checklist

Air and Sea Travellers

Step 1: Determine if the person has had a fever, chills or sweats

Ask the ill traveller...

At any time in the last 24 hours have you had a fever, chills or sweats; OR A new coughing illness which developed in the past 2 weeks?	<input type="checkbox"/> Yes
--	------------------------------

If **NO** or **DO NOT KNOW** advise the traveller to seek their own medical advice.

If **YES**, continue to **STEP 2**

UPDATE March 2020: Question 1 – Step 3.0 has been modified.

UPDATE February 2020: Initial screening question has been expanded and Question 1 – Step 3.0 has been modified.

UPDATE January 2020: Additional screening questions have been added (Question 1 & 2 -Step 3.0 and Questions 21 & 22 – Step 4.0). Please ensure they are completed prior to contacting a Human Biosecurity Officer.

When assessing an ill traveller on an aircraft, the following aircraft door policy applies

DAWE Policy update as of 23 August 2018:

‘During the biosecurity assessment of an ill traveller on board an aircraft, the aircraft door must be in the closed (but not latched/locked) position’.

During the assessment of the ill traveller on board the aircraft, under Section 48 of the *Biosecurity Act 2015*, the aircraft has not yet been granted pratique and it is a legislative requirement that the **operator of the aircraft ensures** that individuals **do not** disembark unless permission to do so is given by the attending biosecurity officer or human biosecurity officer.

Failure to do so may result in non-compliance action against the operator of the airline, *which may include a civil penalty of 120 penalty units.*

This policy update is to provide consistency to:

- operational staff
- airline operators, and
- prevent individuals from disembarking the aircraft prior to pratique being granted.

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Step 2: Collect information**Assessment details**

Name of airport/seaport:		
Date of assessment:		
Was the assessment conducted:	<input type="checkbox"/> Face to face	<input type="checkbox"/> Over the phone (vessels only)
Name Biosecurity officer(s):		
Department of Agriculture was notified of an ill traveller by:	<input type="checkbox"/> the Airline/Vessel Master prior to disembarkation from the vessel Name of Airline/ Vessel Master: <input type="checkbox"/> Australian Border Force <input type="checkbox"/> Other If other, please specify: _____	
	Was non-compliance action against airline/vessel recorded? NB: a Non-Compliance Report Notification Form should be completed, where applicable <input type="checkbox"/> Yes <input type="checkbox"/> No	
What symptoms or information were provided with notification?		
Was a HBO/CHBO contacted?	<input type="checkbox"/> Yes Provide details at Step 4, page 7.	<input type="checkbox"/> No No details required.

III Traveller's personal particulars:

Name (first name and surname)	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Indeterminate/intersex/unspecified
Date of Birth (dd/mm/yy)	
Nationality	
Flight Number / Vessel Name	
Origin of flight/voyage	
Contact address in Australia	
Contact number in Australia	
Final destination in Australia	
Email address	

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Ask the ill traveller...	Tick as appropriate	
1) In the 14 days before your symptoms started, were you in a country with an increased coronavirus risk?*	<input type="checkbox"/> Yes ➤ Action Required: See Directions Below	<input type="checkbox"/> No ➤ Go to Question 2
2) Have you recently been in contact with any unwell people who were suspected or confirmed to have coronavirus?	<input type="checkbox"/> Yes ➤ Action Required: See Directions Below	<input type="checkbox"/> No ➤ Go to STEP 3.1

*For biosecurity officers: refer to the current risk country list provided by the Department of Health.

Note for state/territory health officials: the list is based on the list of higher and moderate risk countries in the COVID-19 Series of National Guidelines.

Directions if Action Required

If **YES** to **either** Question 1 **or** 2:

- Immediately proceed to **Question 21, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.1: Establish if there are other symptoms

Please complete the entire checklist in full. All questions (as indicated) must be asked of the ill traveller and recorded.

Step 3.1: Cough

Ask the ill traveller...	Tick as appropriate		
3) Do you have a new coughing illness, which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Ask Questions 4 to 9		<input type="checkbox"/> No ➤ Go to STEP 3.2
4) Have you been in contact with any birds or bird products within the last two weeks (e.g. handling, slaughtering or eating raw poultry products)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5) Have you recently been in contact with any unwell people who were suspected or confirmed to have Avian Influenza?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6) Have you recently handled samples (animal or human) suspected of containing Avian Influenza virus in a laboratory or other setting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
7) Have you recently been in contact with any unwell people who were suspected or confirmed to have MERS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
8) Have you recently been in a healthcare facility while in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
9) Have you recently been in contact with camels or drunk raw camel milk or eaten camel meat in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **YES** to Questions 4, 5, 6, 7, 8 or 9 immediately proceed to **Question 21, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** or **DO NOT KNOW** to all of the above continue to **STEP 3.2**.

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Step 3.2: Bleeding and bruising

Ask the ill traveller....	Tick as appropriate	
10) Have you been in any country within Africa* in the last 3 weeks?	<input type="checkbox"/> Yes Ask Questions 11 to 13	<input type="checkbox"/> No ➤ Go to STEP 3.3

* Not including Egypt

Ask the ill traveller....	Tick as appropriate	
11) Do you have any unusual bleeding, such as bleeding from the eyes or ears or nose?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12) Do you have any severe bruising?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13) Do you have any of the following symptoms: muscle aches, vomiting, diarrhoea or severe headache?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If **YES** to **any of** Question 11 **or** 12 **or** 13, immediately proceed to **Question 21, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** to Question 11 **and** 12 **and** 13 continue to **STEP 3.3**.

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Step 3.3: Rash

Ask the ill traveller...	Tick as appropriate	
14) Do you have a new rash which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Go to Question 15	<input type="checkbox"/> No ➤ Go to STEP 3.4
15) Is the rash itchy?	<input type="checkbox"/> Yes ➤ Go to STEP 3.4	<input type="checkbox"/> No ➤ Action Required: See Below

If **NO** to Question 15:

- Immediately proceed to **Question 21, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.4: Yellow eyes and/or skin

Ask the ill traveller...	Tick as appropriate	
16) Have you, or anyone around you, noticed the whites of your eyes and/or skin has yellowed?	<input type="checkbox"/> Yes ➤ Go to Question 17	<input type="checkbox"/> No ➤ Advise person to seek own medical advice
17) Were you in Africa, South/Central America or the Caribbean within the last 6 days (including transit)?	<input type="checkbox"/> Yes ➤ Go to Question 18	<input type="checkbox"/> No ➤ Advise person to seek own medical advice

18) Which country(s) did you visit?

South or Central America/Caribbean	Africa	
<input type="checkbox"/> Argentina (Misiones province and Corrientes province only)	<input type="checkbox"/> Angola	<input type="checkbox"/> Guinea
<input type="checkbox"/> Bolivia	<input type="checkbox"/> Benin	<input type="checkbox"/> Guinea-Bissau
<input type="checkbox"/> Brazil	<input type="checkbox"/> Burkina Faso	<input type="checkbox"/> Kenya
<input type="checkbox"/> Colombia	<input type="checkbox"/> Burundi	<input type="checkbox"/> Liberia
<input type="checkbox"/> Ecuador (excluding the Galapagos Islands)	<input type="checkbox"/> Cameroon	<input type="checkbox"/> Mali
<input type="checkbox"/> French Guiana	<input type="checkbox"/> Central African Republic	<input type="checkbox"/> Mauritania
<input type="checkbox"/> Guyana	<input type="checkbox"/> Chad	<input type="checkbox"/> Niger
<input type="checkbox"/> Panama	<input type="checkbox"/> Congo, Democratic Republic of the	<input type="checkbox"/> Nigeria
<input type="checkbox"/> Paraguay	<input type="checkbox"/> Congo, Republic of the	<input type="checkbox"/> Rwanda
<input type="checkbox"/> Peru	<input type="checkbox"/> Cote d'Ivoire (Ivory Coast)	<input type="checkbox"/> Senegal
<input type="checkbox"/> Suriname	<input type="checkbox"/> Equatorial Guinea	<input type="checkbox"/> Sierra Leone
<input type="checkbox"/> Trinidad	<input type="checkbox"/> Ethiopia	<input type="checkbox"/> South Sudan
<input type="checkbox"/> Venezuela	<input type="checkbox"/> Gabon	<input type="checkbox"/> Sudan
	<input type="checkbox"/> Gambia	<input type="checkbox"/> Togo
	<input type="checkbox"/> Ghana	<input type="checkbox"/> Uganda
<input type="checkbox"/> None of the countries listed above	<input type="checkbox"/> None of the countries listed above	

If **NONE of the countries listed above**, advise the person to seek their own medical advice.
Otherwise if a country(s) is selected from the above, **proceed to Question 19**.

	Tick as appropriate		
19) Do you have a Yellow Fever vaccination certificate?	<input type="checkbox"/> Yes ➤ Go to Question 20	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **NO or DO NOT KNOW** to Question 19 immediately proceed to **Question 21, STEP 4** and contact a Human Biosecurity Officer.

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Through observation...	Tick as appropriate	
20) Yellow Fever vaccination certificate sighted?	<input type="checkbox"/> Yes Advise ill traveller to seek own medical advice	<input type="checkbox"/> No

If **NO** to Question 20, complete **Question 21, STEP 4** and immediately contact a Human Biosecurity Officer.

Step 4: HBO/ CHBO Contact Summary

To be completed in circumstances where a Human Biosecurity Officer (including the Chief Human Biosecurity Officer) is to be contacted regarding the ill traveller.

Ask the ill traveller...	Tick as appropriate
21) When did your symptoms start?	<input type="checkbox"/> less than one week ago <input type="checkbox"/> one to two weeks ago <input type="checkbox"/> more than two weeks ago Go to Question 22.
22) What countries have you visited in the last month?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Proceed to contacting a Human Biosecurity Officer and complete Section 1 - 3 below.

SECTION 1

(C)HBO Name:			
State / Territory:			
Time contacted:		Time advice received:	
Advice provided: <input type="checkbox"/> Traveller to seek own medical advice. No Further information required <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> Further assessment required. ➤ Complete Section 2 & 3			

SECTION 2

Please complete the record of communications made during the administration of the Checklist.

CONTACT LOG		
Person contacted	Date and time	Purpose

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SECTION 3

☐ (C)HBO detailed in Section 1 advised that:

“Duty of care for this traveller has been transferred to you as the relevant Human Biosecurity Officer”

☐ Traveller transferred by ambulance to _____ (name of hospital)

☐ Traveller subject to a Human Biosecurity Control Order (HBCO)

HBCO reference:

Traveller referred to (please tick appropriate):

☐ Hospital

☐ GP

☐ Other

☐ Traveller provided with a Yellow Fever Action Card

☐ Other - please specify _____

Once the TIC is completed, scan all pages and e-mail to humanbiosecurity@health.gov.au.

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Traveller with Illness Checklist

Air and Sea Travellers

Step 1: Determine if the person has had a fever, chills or sweats

Ask the ill traveller...

At any time in the last 24 hours have you had a fever, chills or sweats; OR A new coughing illness which developed in the past 2 weeks?	<input type="checkbox"/> Yes
--	------------------------------

If **NO** or **DO NOT KNOW** advise the traveller to seek their own medical advice.

If **YES**, continue to **STEP 2**

UPDATE March 2020: Question 1 – Step 3.0 has been modified. All completed TICs are referred to a HBO for advice. Please ensure you complete Step 4 for all TICs conducted.

UPDATE February 2020: Initial screening question has been expanded and Question 1 – Step 3.0 has been modified.

UPDATE January 2020: Additional screening questions have been added (Question 1 & 2 -Step 3.0 and Questions 21 & 22 – Step 4.0). Please ensure they are completed prior to contacting a Human Biosecurity Officer.

When assessing an ill traveller on an aircraft, the following aircraft door policy applies

DAWE Policy update as of 23 August 2018:

‘During the biosecurity assessment of an ill traveller on board an aircraft, the aircraft door must be in the closed (but not latched/locked) position’.

During the assessment of the ill traveller on board the aircraft, under Section 48 of the *Biosecurity Act 2015*, the aircraft has not yet been granted pratique and it is a legislative requirement that the **operator of the aircraft ensures** that individuals **do not** disembark unless permission to do so is given by the attending biosecurity officer or human biosecurity officer.

Failure to do so may result in non-compliance action against the operator of the airline, *which may include a civil penalty of 120 penalty units.*

This policy update is to provide consistency to:

- operational staff
- airline operators, and

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- prevent individuals from disembarking the aircraft prior to pratique being granted.

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Step 2: Collect information**Assessment details**

Name of airport/seaport:		
Date of assessment:		
Was the assessment conducted:	<input type="checkbox"/> Face to face	<input type="checkbox"/> Over the phone (vessels only)
Name Biosecurity officer(s):		
Department of Agriculture was notified of an ill traveller by:	<input type="checkbox"/> the Airline/Vessel Master prior to disembarkation from the vessel Name of Airline/ Vessel Master: <input type="checkbox"/> Australian Border Force <input type="checkbox"/> Other If other, please specify: _____	
	Was non-compliance action against airline/vessel recorded? NB: a Non-Compliance Report Notification Form should be completed, where applicable <input type="checkbox"/> Yes <input type="checkbox"/> No	
What symptoms or information were provided with notification?		
Was a HBO/CHBO contacted?	<input type="checkbox"/> Yes Provide details at Step 4, page 7.	<input type="checkbox"/> No No details required.

III Traveller's personal particulars:

Name (first name and surname)	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Indeterminate/intersex/unspecified
Date of Birth (dd/mm/yy)	
Nationality	
Flight Number / Vessel Name	
Origin of flight/voyage	
Contact address in Australia	
Contact number in Australia	
Final destination in Australia	
Email address	

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Ask the ill traveller...	Tick as appropriate	
1) Have you recently been in contact with any unwell people who were suspected or confirmed to have coronavirus?	<input type="checkbox"/> Yes ➤ Action Required: See Directions Below	<input type="checkbox"/> No ➤ Go to STEP 3.1

Directions if Action Required

If **YES** to Question 1:

- Immediately proceed to **Question 20, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.1: Establish if there are other symptoms

Please complete the entire checklist in full. All questions (as indicated) must be asked of the ill traveller and recorded.

Step 3.1: Cough

Ask the ill traveller...	Tick as appropriate		
2) Do you have a new coughing illness, which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Ask Questions 3 to 8	<input type="checkbox"/> No ➤ Go to STEP 3.2	
3) Have you been in contact with any birds or bird products within the last two weeks (e.g. handling, slaughtering or eating raw poultry products)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
4) Have you recently been in contact with any unwell people who were suspected or confirmed to have Avian Influenza?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5) Have you recently handled samples (animal or human) suspected of containing Avian Influenza virus in a laboratory or other setting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6) Have you recently been in contact with any unwell people who were suspected or confirmed to have MERS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
7) Have you recently been in a healthcare facility while in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
8) Have you recently been in contact with camels or drunk raw camel milk or eaten camel meat in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **YES** to Questions 3, 4, 5, 6, 7 or 8 immediately proceed to **Question 20, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** or **DO NOT KNOW** to all of the above continue to **STEP 3.2**.

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Step 3.2: Bleeding and bruising

Ask the ill traveller....	Tick as appropriate	
9) Have you been in any country within Africa* in the last 3 weeks?	<input type="checkbox"/> Yes Ask Questions 10 to 12	<input type="checkbox"/> No ➤ Go to STEP 3.3

* Not including Egypt

Ask the ill traveller....	Tick as appropriate	
10) Do you have any unusual bleeding, such as bleeding from the eyes or ears or nose?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11) Do you have any severe bruising?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12) Do you have any of the following symptoms: muscle aches, vomiting, diarrhoea or severe headache?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If **YES** to **any of** Question 10 **or** 11 **or** 12, immediately proceed to **Question 20, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** to Question 10 **and** 11 **and** 12 continue to **STEP 3.3**.

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Step 3.3: Rash

Ask the ill traveller...	Tick as appropriate	
13) Do you have a new rash which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Go to Question 14	<input type="checkbox"/> No ➤ Go to STEP 3.4
14) Is the rash itchy?	<input type="checkbox"/> Yes ➤ Go to STEP 3.4	<input type="checkbox"/> No ➤ Action Required: See Below

If **NO** to Question 14:

- Immediately proceed to **Question 20, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.4: Yellow eyes and/or skin

Ask the ill traveller...	Tick as appropriate	
15) Have you, or anyone around you, noticed the whites of your eyes and/or skin has yellowed?	<input type="checkbox"/> Yes ➤ Go to Question 16	<input type="checkbox"/> No ➤ Go to Question 20, STEP 4
16) Were you in Africa, South/Central America or the Caribbean within the last 6 days (including transit)?	<input type="checkbox"/> Yes ➤ Go to Question 17	<input type="checkbox"/> No ➤ Go to Question 20, STEP 4

17) Which country(s) did you visit?

South or Central America/Caribbean	Africa	
<input type="checkbox"/> Argentina (Misiones province and Corrientes province only)	<input type="checkbox"/> Angola	<input type="checkbox"/> Guinea
<input type="checkbox"/> Bolivia	<input type="checkbox"/> Benin	<input type="checkbox"/> Guinea-Bissau
<input type="checkbox"/> Brazil	<input type="checkbox"/> Burkina Faso	<input type="checkbox"/> Kenya
<input type="checkbox"/> Colombia	<input type="checkbox"/> Burundi	<input type="checkbox"/> Liberia
<input type="checkbox"/> Ecuador (excluding the Galapagos Islands)	<input type="checkbox"/> Cameroon	<input type="checkbox"/> Mali
<input type="checkbox"/> French Guiana	<input type="checkbox"/> Central African Republic	<input type="checkbox"/> Mauritania
<input type="checkbox"/> Guyana	<input type="checkbox"/> Chad	<input type="checkbox"/> Niger
<input type="checkbox"/> Panama	<input type="checkbox"/> Congo, Democratic Republic of the	<input type="checkbox"/> Nigeria
<input type="checkbox"/> Paraguay	<input type="checkbox"/> Congo, Republic of the	<input type="checkbox"/> Rwanda
<input type="checkbox"/> Peru	<input type="checkbox"/> Cote d'Ivoire (Ivory Coast)	<input type="checkbox"/> Senegal
<input type="checkbox"/> Suriname	<input type="checkbox"/> Equatorial Guinea	<input type="checkbox"/> Sierra Leone
<input type="checkbox"/> Trinidad	<input type="checkbox"/> Ethiopia	<input type="checkbox"/> South Sudan
<input type="checkbox"/> Venezuela	<input type="checkbox"/> Gabon	<input type="checkbox"/> Sudan
	<input type="checkbox"/> Gambia	<input type="checkbox"/> Togo
	<input type="checkbox"/> Ghana	<input type="checkbox"/> Uganda
<input type="checkbox"/> None of the countries listed above	<input type="checkbox"/> None of the countries listed above	

If **NONE** of the countries listed above, **Go to Question 20, STEP 4.**

Otherwise if a country(s) is selected from the above, **proceed to Question 18.**

	Tick as appropriate		
18) Do you have a Yellow Fever vaccination certificate?	<input type="checkbox"/> Yes ➤ Go to Question 19	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **NO** or **DO NOT KNOW** to Question 18 immediately proceed to **Question 20, STEP 4** and contact a Human Biosecurity Officer.

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<u>Through observation...</u>	Tick as appropriate	
19) Yellow Fever vaccination certificate sighted?	<input type="checkbox"/> Yes Go to Question 20, STEP 4	<input type="checkbox"/> No

If **NO** to Question 19, complete **Question 20, STEP 4** and immediately contact a Human Biosecurity Officer.

Step 4: HBO/ CHBO Contact Summary

To be completed in circumstances where a Human Biosecurity Officer (including the Chief Human Biosecurity Officer) is to be contacted regarding the ill traveller.

Ask the ill traveller...	Tick as appropriate
20) When did your symptoms start?	<input type="checkbox"/> less than one week ago <input type="checkbox"/> one to two weeks ago <input type="checkbox"/> more than two weeks ago Go to Question 21.
21) What countries have you visited in the last month?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Proceed to contacting a Human Biosecurity Officer and complete Section 1 - 3 below.

SECTION 1

(C)HBO Name:			
State / Territory:			
Time contacted:		Time advice received:	
Advice provided: <input type="checkbox"/> Traveller to seek own medical advice. No Further information required <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> Further assessment required. ➤ Complete Section 2 & 3			

SECTION 2

Please complete the record of communications made during the administration of the Checklist.

CONTACT LOG		
Person contacted	Date and time	Purpose

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SECTION 3

<input type="checkbox"/> (C)HBO detailed in Section 1 advised that: <i>"Duty of care for this traveller has been transferred to you as the relevant Human Biosecurity Officer"</i>			
<input type="checkbox"/> Traveller transferred by ambulance to _____ (name of hospital)			
<input type="checkbox"/> Traveller subject to a Human Biosecurity Control Order (HBCO) HBCO reference:			
Traveller referred to (please tick appropriate): <input type="checkbox"/> Hospital <input type="checkbox"/> GP <input type="checkbox"/> Other			
<input type="checkbox"/> Traveller provided with a Yellow Fever Action Card			
<input type="checkbox"/> Other - please specify _____			

Once the TIC is completed, scan all pages and e-mail to humanbiosecurity@health.gov.au.

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Traveller with Illness Checklist

Air and Sea Travellers

Step 1: Determine if the person has had a fever, chills or sweats

Ask the ill traveller...

At any time in the last 24 hours have you had a fever, chills or sweats; OR A new coughing illness which developed in the past 2 weeks?	<input type="checkbox"/> Yes
--	------------------------------

If **NO** or **DO NOT KNOW** advise the traveller to seek their own medical advice.

If **YES**, continue to **STEP 2**

UPDATE March 2020: Question 1 – Step 3.0 has been modified. All completed TICs are referred to a HBO for advice. Please ensure you complete Step 4 for all TICs conducted.

UPDATE February 2020: Initial screening question has been expanded and Question 1 – Step 3.0 has been modified.

UPDATE January 2020: Additional screening questions have been added (Question 1 & 2 -Step 3.0 and Questions 21 & 22 – Step 4.0). Please ensure they are completed prior to contacting a Human Biosecurity Officer.

When assessing an ill traveller on an aircraft, the following aircraft door policy applies

DAWE Policy update as of 23 August 2018:

‘During the biosecurity assessment of an ill traveller on board an aircraft, the aircraft door must be in the closed (but not latched/locked) position’.

During the assessment of the ill traveller on board the aircraft, under Section 48 of the *Biosecurity Act 2015*, the aircraft has not yet been granted pratique and it is a legislative requirement that the **operator of the aircraft ensures** that individuals **do not** disembark unless permission to do so is given by the attending biosecurity officer or human biosecurity officer.

Failure to do so may result in non-compliance action against the operator of the airline, *which may include a civil penalty of 120 penalty units.*

This policy update is to provide consistency to:

- operational staff
- airline operators, and

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- prevent individuals from disembarking the aircraft prior to pratique being granted.

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Step 2: Collect information**Assessment details**

Name of airport/seaport:		
Date of assessment:		
Was the assessment conducted:	<input type="checkbox"/> Face to face	<input type="checkbox"/> Over the phone (vessels only)
Name Biosecurity officer(s):		
Department of Agriculture was notified of an ill traveller by:	<input type="checkbox"/> the Airline/Vessel Master prior to disembarkation from the vessel Name of Airline/ Vessel Master: <input type="checkbox"/> Australian Border Force <input type="checkbox"/> Other If other, please specify: _____	
	Was non-compliance action against airline/vessel recorded? NB: a Non-Compliance Report Notification Form should be completed, where applicable <input type="checkbox"/> Yes <input type="checkbox"/> No	
What symptoms or information were provided with notification?		
Was a HBO/CHBO contacted?	<input type="checkbox"/> Yes Provide details at Step 4, page 7.	<input type="checkbox"/> No No details required.

III Traveller's personal particulars:

Name (first name and surname)	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Indeterminate/intersex/unspecified
Date of Birth (dd/mm/yy)	
Nationality	
Flight Number / Vessel Name	
Origin of flight/voyage	
Contact address in Australia	
Contact number in Australia	
Final destination in Australia	
Email address	

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Ask the ill traveller...	Tick as appropriate	
1) Have you recently been in contact with any unwell people who were suspected or confirmed to have coronavirus?	<input type="checkbox"/> Yes ➤ Action Required: See Directions Below	<input type="checkbox"/> No ➤ Go to STEP 3.1

Directions if Action Required

If **YES** to Question 1:

- Immediately proceed to **Question 20, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.1: Establish if there are other symptoms

Please complete the entire checklist in full. All questions (as indicated) must be asked of the ill traveller and recorded.

Step 3.1: Cough

Ask the ill traveller...	Tick as appropriate		
2) Do you have a new coughing illness, which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Ask Questions 3 to 8		<input type="checkbox"/> No ➤ Go to STEP 3.2
3) Have you been in contact with any birds or bird products within the last two weeks (e.g. handling, slaughtering or eating raw poultry products)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
4) Have you recently been in contact with any unwell people who were suspected or confirmed to have Avian Influenza?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5) Have you recently handled samples (animal or human) suspected of containing Avian Influenza virus in a laboratory or other setting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6) Have you recently been in contact with any unwell people who were suspected or confirmed to have MERS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
7) Have you recently been in a healthcare facility while in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
8) Have you recently been in contact with camels or drunk raw camel milk or eaten camel meat in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **YES** to Questions 3, 4, 5, 6, 7 or 8 immediately proceed to **Question 20, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** or **DO NOT KNOW** to all of the above continue to **STEP 3.2**.

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Step 3.2: Bleeding and bruising

Ask the ill traveller....	Tick as appropriate	
9) Have you been in any country within Africa* in the last 3 weeks?	<input type="checkbox"/> Yes Ask Questions 10 to 12	<input type="checkbox"/> No ➤ Go to STEP 3.3

* Not including Egypt

Ask the ill traveller....	Tick as appropriate	
10) Do you have any unusual bleeding, such as bleeding from the eyes or ears or nose?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11) Do you have any severe bruising?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12) Do you have any of the following symptoms: muscle aches, vomiting, diarrhoea or severe headache?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If **YES** to **any of** Question 10 **or** 11 **or** 12, immediately proceed to **Question 20, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** to Question 10 **and** 11 **and** 12 continue to **STEP 3.3**.

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Step 3.3: Rash

Ask the ill traveller...	Tick as appropriate	
13) Do you have a new rash which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Go to Question 14	<input type="checkbox"/> No ➤ Go to STEP 3.4
14) Is the rash itchy?	<input type="checkbox"/> Yes ➤ Go to STEP 3.4	<input type="checkbox"/> No ➤ Action Required: See Below

If **NO** to Question 14:

- Immediately proceed to **Question 20, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.4: Yellow eyes and/or skin

Ask the ill traveller...	Tick as appropriate	
15) Have you, or anyone around you, noticed the whites of your eyes and/or skin has yellowed?	<input type="checkbox"/> Yes ➤ Go to Question 16	<input type="checkbox"/> No ➤ Go to Question 20, STEP 4
16) Were you in Africa, South/Central America or the Caribbean within the last 6 days (including transit)?	<input type="checkbox"/> Yes ➤ Go to Question 17	<input type="checkbox"/> No ➤ Go to Question 20, STEP 4

17) Which country(s) did you visit?

South or Central America/Caribbean	Africa	
<input type="checkbox"/> Argentina (Misiones province and Corrientes province only)	<input type="checkbox"/> Angola	<input type="checkbox"/> Guinea
<input type="checkbox"/> Bolivia	<input type="checkbox"/> Benin	<input type="checkbox"/> Guinea-Bissau
<input type="checkbox"/> Brazil	<input type="checkbox"/> Burkina Faso	<input type="checkbox"/> Kenya
<input type="checkbox"/> Colombia	<input type="checkbox"/> Burundi	<input type="checkbox"/> Liberia
<input type="checkbox"/> Ecuador (excluding the Galapagos Islands)	<input type="checkbox"/> Cameroon	<input type="checkbox"/> Mali
<input type="checkbox"/> French Guiana	<input type="checkbox"/> Central African Republic	<input type="checkbox"/> Mauritania
<input type="checkbox"/> Guyana	<input type="checkbox"/> Chad	<input type="checkbox"/> Niger
<input type="checkbox"/> Panama	<input type="checkbox"/> Congo, Democratic Republic of the	<input type="checkbox"/> Nigeria
<input type="checkbox"/> Paraguay	<input type="checkbox"/> Congo, Republic of the	<input type="checkbox"/> Rwanda
<input type="checkbox"/> Peru	<input type="checkbox"/> Cote d'Ivoire (Ivory Coast)	<input type="checkbox"/> Senegal
<input type="checkbox"/> Suriname	<input type="checkbox"/> Equatorial Guinea	<input type="checkbox"/> Sierra Leone
<input type="checkbox"/> Trinidad	<input type="checkbox"/> Ethiopia	<input type="checkbox"/> South Sudan
<input type="checkbox"/> Venezuela	<input type="checkbox"/> Gabon	<input type="checkbox"/> Sudan
	<input type="checkbox"/> Gambia	<input type="checkbox"/> Togo
	<input type="checkbox"/> Ghana	<input type="checkbox"/> Uganda
<input type="checkbox"/> None of the countries listed above	<input type="checkbox"/> None of the countries listed above	

If **NONE of the countries listed above**, advise the person to seek their own medical advice.
Otherwise if a country(s) is selected from the above, **proceed to Question 18**.

	Tick as appropriate		
18) Do you have a Yellow Fever vaccination certificate?	<input type="checkbox"/> Yes ➤ Go to Question 19	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **NO or DO NOT KNOW** to Question 18 immediately proceed to **Question 20, STEP 4** and contact a Human Biosecurity Officer.

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<u>Through observation...</u>	Tick as appropriate	
19) Yellow Fever vaccination certificate sighted?	<input type="checkbox"/> Yes Go to Question 20, STEP 4	<input type="checkbox"/> No

If **NO** to Question 19, complete **Question 20, STEP 4** and immediately contact a Human Biosecurity Officer.

Step 4: HBO/ CHBO Contact Summary

To be completed in circumstances where a Human Biosecurity Officer (including the Chief Human Biosecurity Officer) is to be contacted regarding the ill traveller.

Ask the ill traveller...	Tick as appropriate
20) When did your symptoms start?	<input type="checkbox"/> less than one week ago <input type="checkbox"/> one to two weeks ago <input type="checkbox"/> more than two weeks ago Go to Question 21.
21) What countries have you visited in the last month?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Proceed to contacting a Human Biosecurity Officer and complete Section 1 - 3 below.

SECTION 1

(C)HBO Name:			
State / Territory:			
Time contacted:		Time advice received:	
Advice provided: <input type="checkbox"/> Traveller to seek own medical advice. No Further information required <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> Further assessment required. ➤ Complete Section 2 & 3			

SECTION 2

Please complete the record of communications made during the administration of the Checklist.

CONTACT LOG		
Person contacted	Date and time	Purpose

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SECTION 3

☐ (C)HBO detailed in Section 1 advised that:

“Duty of care for this traveller has been transferred to you as the relevant Human Biosecurity Officer”

☐ Traveller transferred by ambulance to _____ (name of hospital)

☐ Traveller subject to a Human Biosecurity Control Order (HBCO)

HBCO reference:

Traveller referred to (please tick appropriate):

☐ Hospital

☐ GP

☐ Other

☐ Traveller provided with a Yellow Fever Action Card

☐ Other - please specify _____

Once the TIC is completed, scan all pages and e-mail to humanbiosecurity@health.gov.au.

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Traveller with Illness Checklist

Air and Sea Travellers

Step 1: Determine if the person has had a fever, chills or sweats

Ask the ill traveller...

At any time in the last 24 hours have you had a fever, chills or sweats?

☐ Yes

If **NO** or **DO NOT KNOW** advise the traveller to seek their own medical advice.

If **YES**, continue to **STEP 2**

UPDATE January 2020: Additional screening questions have been added (Question 1 & 2 -Step 3.0 and Questions 21 & 22 – Step 4.0). Please ensure they are completed prior to contacting a Human Biosecurity Officer.

When assessing an ill traveller on an aircraft, the following aircraft door policy applies

DAWR Policy update as of 23 August 2018:

‘During the biosecurity assessment of an ill traveller on board an aircraft, the aircraft door must be in the closed (but not latched/locked) position’.

During the assessment of the ill traveller on board the aircraft, under Section 48 of the Biosecurity Act, the aircraft has not yet been granted pratique and it is a legislative requirement that the **operator of the aircraft ensures** that individuals **do not** disembark unless permission to do so is given by the attending biosecurity officer or human biosecurity officer.

Failure to do so may result in non-compliance action against the operator of the airline, *which may include a civil penalty of 120 penalty units.*

This policy update is to provide consistency to:

- operational staff
- airline operators, and
- prevent individuals from disembarking the aircraft prior to pratique being granted.

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Step 2: Collect information**Assessment details**

Name of airport/seaport:		
Date of assessment:		
Was the assessment conducted:	<input type="checkbox"/> Face to face	<input type="checkbox"/> Over the phone (vessels only)
Name Biosecurity officer(s):		
Department of Agriculture was notified of an ill traveller by:	<input type="checkbox"/> the Airline/Vessel Master prior to disembarkation from the vessel Name of Airline/ Vessel Master: <input type="checkbox"/> Australian Border Force <input type="checkbox"/> Other If other, please specify: _____	
	Was non-compliance action against airline/vessel recorded? NB: a Non-Compliance Report Notification Form should be completed, where applicable <input type="checkbox"/> Yes <input type="checkbox"/> No	
What symptoms or information were provided with notification?		
Was a HBO/CHBO contacted?	<input type="checkbox"/> Yes Provide details at Step 4, page 7.	<input type="checkbox"/> No No details required.

III Traveller's personal particulars:

Name (first name and surname)	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Indeterminate/intersex/unspecified
Date of Birth (dd/mm/yy)	
Nationality	
Flight Number / Vessel Name	
Origin of flight/voyage	
Contact address in Australia	
Contact number in Australia	
Final destination in Australia	
Email address	

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Ask the ill traveller...	Tick as appropriate	
1) Have you been to the Hubei Province in China, including the city of Wuhan, in the past 2 weeks? (including transit)*	<input type="checkbox"/> Yes ➤ Action Required: See Below	<input type="checkbox"/> No ➤ Go to Question 2
2) Have you recently been in contact with any unwell people who were suspected or confirmed to have Novel Coronavirus?	<input type="checkbox"/> Yes ➤ Action Required: See Below	<input type="checkbox"/> No ➤ Go to STEP 3.1

*If the traveller has arrived on a direct flight from Wuhan, immediately tick yes to Question 1.

If **YES** to **either** Question 1 or 2:

- Immediately proceed to **Question 21, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.1: Establish if there are other symptoms

Please complete the entire checklist in full. All questions (as indicated) must be asked of the ill traveller and recorded.

Step 3.1: Cough

Ask the ill traveller...	Tick as appropriate		
3) Do you have a new coughing illness, which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Ask Questions 4 to 9		<input type="checkbox"/> No ➤ Go to STEP 3.2
4) Have you been in contact with any birds or bird products within the last two weeks (e.g. handling, slaughtering or eating raw poultry products)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5) Have you recently been in contact with any unwell people who were suspected or confirmed to have Avian Influenza?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6) Have you recently handled samples (animal or human) suspected of containing Avian Influenza virus in a laboratory or other setting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
7) Have you recently been in contact with any unwell people who were suspected or confirmed to have MERS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
8) Have you recently been in a healthcare facility while in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
9) Have you recently been in contact with camels or drunk raw camel milk or eaten camel meat in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **YES** to Questions 4, 5, 6, 7, 8 or 9 immediately proceed to **Question 21, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** or **DO NOT KNOW** to all of the above continue to **STEP 3.2**.

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Step 3.2: Bleeding and bruising

Ask the ill traveller....	Tick as appropriate	
10) Have you been in any country within Africa* in the last 3 weeks?	<input type="checkbox"/> Yes Ask Questions 11 to 13	<input type="checkbox"/> No ➤ Go to STEP 3.3

* Not including Egypt

Ask the ill traveller....	Tick as appropriate	
11) Do you have any unusual bleeding, such as bleeding from the eyes or ears or nose?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12) Do you have any severe bruising?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13) Do you have any of the following symptoms: muscle aches, vomiting, diarrhoea or severe headache?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If **YES** to **any of** Question 11 **or** 12 **or** 13, immediately proceed to **Question 21, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** to Question 11 **and** 12 **and** 13 continue to **STEP 3.3**.

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Step 3.3: Rash

Ask the ill traveller...	Tick as appropriate	
14) Do you have a new rash which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Go to Question 15	<input type="checkbox"/> No ➤ Go to STEP 3.4
15) Is the rash itchy?	<input type="checkbox"/> Yes ➤ Go to STEP 3.4	<input type="checkbox"/> No ➤ Action Required: See Below

If **NO** to Question 15:

- Immediately proceed to **Question 21, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.4: Yellow eyes and/or skin

Ask the ill traveller...	Tick as appropriate	
16) Have you, or anyone around you, noticed the whites of your eyes and/or skin has yellowed?	<input type="checkbox"/> Yes ➤ Go to Question 17	<input type="checkbox"/> No ➤ Advise person to seek own medical advice
17) Were you in Africa, South/Central America or the Caribbean within the last 6 days (including transit)?	<input type="checkbox"/> Yes ➤ Go to Question 18	<input type="checkbox"/> No ➤ Advise person to seek own medical advice

18) Which country(s) did you visit?

South or Central America/Caribbean	Africa	
<input type="checkbox"/> Argentina (Misiones province and Corrientes province only)	<input type="checkbox"/> Angola	<input type="checkbox"/> Guinea
<input type="checkbox"/> Bolivia	<input type="checkbox"/> Benin	<input type="checkbox"/> Guinea-Bissau
<input type="checkbox"/> Brazil	<input type="checkbox"/> Burkina Faso	<input type="checkbox"/> Kenya
<input type="checkbox"/> Colombia	<input type="checkbox"/> Burundi	<input type="checkbox"/> Liberia
<input type="checkbox"/> Ecuador (excluding the Galapagos Islands)	<input type="checkbox"/> Cameroon	<input type="checkbox"/> Mali
<input type="checkbox"/> French Guiana	<input type="checkbox"/> Central African Republic	<input type="checkbox"/> Mauritania
<input type="checkbox"/> Guyana	<input type="checkbox"/> Chad	<input type="checkbox"/> Niger
<input type="checkbox"/> Panama	<input type="checkbox"/> Congo, Democratic Republic of the	<input type="checkbox"/> Nigeria
<input type="checkbox"/> Paraguay	<input type="checkbox"/> Congo, Republic of the	<input type="checkbox"/> Rwanda
<input type="checkbox"/> Peru	<input type="checkbox"/> Cote d'Ivoire (Ivory Coast)	<input type="checkbox"/> Senegal
<input type="checkbox"/> Suriname	<input type="checkbox"/> Equatorial Guinea	<input type="checkbox"/> Sierra Leone
<input type="checkbox"/> Trinidad	<input type="checkbox"/> Ethiopia	<input type="checkbox"/> South Sudan
<input type="checkbox"/> Venezuela	<input type="checkbox"/> Gabon	<input type="checkbox"/> Sudan
	<input type="checkbox"/> Gambia	<input type="checkbox"/> Togo
	<input type="checkbox"/> Ghana	<input type="checkbox"/> Uganda
<input type="checkbox"/> None of the countries listed above	<input type="checkbox"/> None of the countries listed above	

If **NONE of the countries listed above**, advise the person to seek their own medical advice.
Otherwise if a country(s) is selected from the above, **proceed to Question 19**.

	Tick as appropriate		
19) Do you have a Yellow Fever vaccination certificate?	<input type="checkbox"/> Yes ➤ Go to Question 20	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **NO or DO NOT KNOW** to Question 19 immediately proceed to **Question 21, STEP 4** and contact a Human Biosecurity Officer.

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<u>Through observation...</u>	Tick as appropriate	
20) Yellow Fever vaccination certificate sighted?	<input type="checkbox"/> Yes Advise ill traveller to seek own medical advice	<input type="checkbox"/> No

If **NO** to Question 20, complete **Question 21, STEP 4** and immediately contact a Human Biosecurity Officer.

Step 4: HBO/ CHBO Contact Summary

To be completed in circumstances where a Human Biosecurity Officer (including the Chief Human Biosecurity Officer) is to be contacted regarding the ill traveller.

Ask the ill traveller...	Tick as appropriate
21) When did your symptoms start?	<input type="checkbox"/> less than one week ago <input type="checkbox"/> one to two weeks ago <input type="checkbox"/> more than two weeks ago Go to Question 22.
22) What countries have you visited in the last month?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Proceed to contacting a Human Biosecurity Officer and complete Section 1 - 3 below.

SECTION 1

(C)HBO Name:			
State / Territory:			
Time contacted:		Time advice received:	
Advice provided: <input type="checkbox"/> Traveller to seek own medical advice. No Further information required <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> Further assessment required. ➤ Complete Section 2 & 3			

SECTION 2

Please complete the record of communications made during the administration of the Checklist.

CONTACT LOG		
Person contacted	Date and time	Purpose

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SECTION 3

☐ (C)HBO detailed in Section 1 advised that:

“Duty of care for this traveller has been transferred to you as the relevant Human Biosecurity Officer”

☐ Traveller transferred by ambulance to _____ (name of hospital)

☐ Traveller subject to a Human Biosecurity Control Order (HBCO)

HBCO reference:

Traveller referred to (please tick appropriate):

☐ Hospital

☐ GP

☐ Other

☐ Traveller provided with a Yellow Fever Action Card

☐ Other - please specify _____

Once the TIC is completed, scan all pages and e-mail to humanbiosecurity@health.gov.au.

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Traveller with Illness Checklist

Air and Sea Travellers

Step 1: Determine if the person has had a fever, chills or sweats

Ask the ill traveller...

At any time in the last 24 hours have you had a fever, chills or sweats?

☐ Yes

If **NO** or **DO NOT KNOW** advise the traveller to seek their own medical advice.

If **YES**, continue to **STEP 2**

UPDATE January 2020: Additional screening questions have been added (Question 1 & 2 -Step 3.0 and Questions 21 & 22 – Step 4.0). Please ensure they are completed prior to contacting a Human Biosecurity Officer.

When assessing an ill traveller on an aircraft, the following aircraft door policy applies

DAWR Policy update as of 23 August 2018:

‘During the biosecurity assessment of an ill traveller on board an aircraft, the aircraft door must be in the closed (but not latched/locked) position’.

During the assessment of the ill traveller on board the aircraft, under Section 48 of the Biosecurity Act, the aircraft has not yet been granted pratique and it is a legislative requirement that the **operator of the aircraft ensures** that individuals **do not** disembark unless permission to do so is given by the attending biosecurity officer or human biosecurity officer.

Failure to do so may result in non-compliance action against the operator of the airline, *which may include a civil penalty of 120 penalty units.*

This policy update is to provide consistency to:

- operational staff
- airline operators, and
- prevent individuals from disembarking the aircraft prior to pratique being granted.

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Step 2: Collect information**Assessment details**

Name of airport/seaport:		
Date of assessment:		
Was the assessment conducted:	<input type="checkbox"/> Face to face	<input type="checkbox"/> Over the phone (vessels only)
Name Biosecurity officer(s):		
Department of Agriculture was notified of an ill traveller by:	<input type="checkbox"/> the Airline/Vessel Master prior to disembarkation from the vessel Name of Airline/ Vessel Master: <input type="checkbox"/> Australian Border Force <input type="checkbox"/> Other If other, please specify: _____	
	Was non-compliance action against airline/vessel recorded? NB: a Non-Compliance Report Notification Form should be completed, where applicable <input type="checkbox"/> Yes <input type="checkbox"/> No	
What symptoms or information were provided with notification?		
Was a HBO/CHBO contacted?	<input type="checkbox"/> Yes Provide details at Step 4, page 7.	<input type="checkbox"/> No No details required.

III Traveller's personal particulars:

Name (first name and surname)	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Indeterminate/intersex/unspecified
Date of Birth (dd/mm/yy)	
Nationality	
Flight Number / Vessel Name	
Origin of flight/voyage	
Contact address in Australia	
Contact number in Australia	
Final destination in Australia	
Email address	

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Ask the ill traveller...	Tick as appropriate	
1) Have you been to mainland China in the past 2 weeks? (including transit)*	<input type="checkbox"/> Yes ➤ Action Required: See Below	<input type="checkbox"/> No ➤ Go to Question 2
2) Have you recently been in contact with any unwell people who were suspected or confirmed to have Novel Coronavirus?	<input type="checkbox"/> Yes ➤ Action Required: See Below	<input type="checkbox"/> No ➤ Go to STEP 3.1

*If the traveller has arrived on a direct flight from mainland China, immediately tick yes to Question 1.

If **YES** to **either** Question 1 or 2:

- Immediately proceed to **Question 21, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.1: Establish if there are other symptoms

Please complete the entire checklist in full. All questions (as indicated) must be asked of the ill traveller and recorded.

Step 3.1: Cough

Ask the ill traveller...	Tick as appropriate		
3) Do you have a new coughing illness, which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Ask Questions 4 to 9		<input type="checkbox"/> No ➤ Go to STEP 3.2
4) Have you been in contact with any birds or bird products within the last two weeks (e.g. handling, slaughtering or eating raw poultry products)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5) Have you recently been in contact with any unwell people who were suspected or confirmed to have Avian Influenza?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6) Have you recently handled samples (animal or human) suspected of containing Avian Influenza virus in a laboratory or other setting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
7) Have you recently been in contact with any unwell people who were suspected or confirmed to have MERS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
8) Have you recently been in a healthcare facility while in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
9) Have you recently been in contact with camels or drunk raw camel milk or eaten camel meat in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **YES** to Questions 4, 5, 6, 7, 8 or 9 immediately proceed to **Question 21, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** or **DO NOT KNOW** to all of the above continue to **STEP 3.2**.

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Step 3.2: Bleeding and bruising

Ask the ill traveller....	Tick as appropriate	
10) Have you been in any country within Africa* in the last 3 weeks?	<input type="checkbox"/> Yes Ask Questions 11 to 13	<input type="checkbox"/> No ➤ Go to STEP 3.3

* Not including Egypt

Ask the ill traveller....	Tick as appropriate	
11) Do you have any unusual bleeding, such as bleeding from the eyes or ears or nose?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12) Do you have any severe bruising?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
13) Do you have any of the following symptoms: muscle aches, vomiting, diarrhoea or severe headache?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If **YES** to **any of** Question 11 **or** 12 **or** 13, immediately proceed to **Question 21, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** to Question 11 **and** 12 **and** 13 continue to **STEP 3.3**.

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Step 3.3: Rash

Ask the ill traveller...	Tick as appropriate	
14) Do you have a new rash which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Go to Question 15	<input type="checkbox"/> No ➤ Go to STEP 3.4
15) Is the rash itchy?	<input type="checkbox"/> Yes ➤ Go to STEP 3.4	<input type="checkbox"/> No ➤ Action Required: See Below

If **NO** to Question 15:

- Immediately proceed to **Question 21, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.4: Yellow eyes and/or skin

Ask the ill traveller...	Tick as appropriate	
16) Have you, or anyone around you, noticed the whites of your eyes and/or skin has yellowed?	<input type="checkbox"/> Yes ➤ Go to Question 17	<input type="checkbox"/> No ➤ Advise person to seek own medical advice
17) Were you in Africa, South/Central America or the Caribbean within the last 6 days (including transit)?	<input type="checkbox"/> Yes ➤ Go to Question 18	<input type="checkbox"/> No ➤ Advise person to seek own medical advice

18) Which country(s) did you visit?

South or Central America/Caribbean	Africa	
<input type="checkbox"/> Argentina (Misiones province and Corrientes province only)	<input type="checkbox"/> Angola	<input type="checkbox"/> Guinea
<input type="checkbox"/> Bolivia	<input type="checkbox"/> Benin	<input type="checkbox"/> Guinea-Bissau
<input type="checkbox"/> Brazil	<input type="checkbox"/> Burkina Faso	<input type="checkbox"/> Kenya
<input type="checkbox"/> Colombia	<input type="checkbox"/> Burundi	<input type="checkbox"/> Liberia
<input type="checkbox"/> Ecuador (excluding the Galapagos Islands)	<input type="checkbox"/> Cameroon	<input type="checkbox"/> Mali
<input type="checkbox"/> French Guiana	<input type="checkbox"/> Central African Republic	<input type="checkbox"/> Mauritania
<input type="checkbox"/> Guyana	<input type="checkbox"/> Chad	<input type="checkbox"/> Niger
<input type="checkbox"/> Panama	<input type="checkbox"/> Congo, Democratic Republic of the	<input type="checkbox"/> Nigeria
<input type="checkbox"/> Paraguay	<input type="checkbox"/> Congo, Republic of the	<input type="checkbox"/> Rwanda
<input type="checkbox"/> Peru	<input type="checkbox"/> Cote d'Ivoire (Ivory Coast)	<input type="checkbox"/> Senegal
<input type="checkbox"/> Suriname	<input type="checkbox"/> Equatorial Guinea	<input type="checkbox"/> Sierra Leone
<input type="checkbox"/> Trinidad	<input type="checkbox"/> Ethiopia	<input type="checkbox"/> South Sudan
<input type="checkbox"/> Venezuela	<input type="checkbox"/> Gabon	<input type="checkbox"/> Sudan
	<input type="checkbox"/> Gambia	<input type="checkbox"/> Togo
	<input type="checkbox"/> Ghana	<input type="checkbox"/> Uganda
<input type="checkbox"/> None of the countries listed above	<input type="checkbox"/> None of the countries listed above	

If **NONE of the countries listed above**, advise the person to seek their own medical advice. Otherwise if a country(s) is selected from the above, **proceed to Question 19**.

	Tick as appropriate		
19) Do you have a Yellow Fever vaccination certificate?	<input type="checkbox"/> Yes ➤ Go to Question 20	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **NO or DO NOT KNOW** to Question 19 immediately proceed to **Question 21, STEP 4** and contact a Human Biosecurity Officer.

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<u>Through observation...</u>	Tick as appropriate	
20) Yellow Fever vaccination certificate sighted?	<input type="checkbox"/> Yes Advise ill traveller to seek own medical advice	<input type="checkbox"/> No

If **NO** to Question 20, complete **Question 21, STEP 4** and immediately contact a Human Biosecurity Officer.

Step 4: HBO/ CHBO Contact Summary

To be completed in circumstances where a Human Biosecurity Officer (including the Chief Human Biosecurity Officer) is to be contacted regarding the ill traveller.

Ask the ill traveller...	Tick as appropriate
21) When did your symptoms start?	<input type="checkbox"/> less than one week ago <input type="checkbox"/> one to two weeks ago <input type="checkbox"/> more than two weeks ago Go to Question 22.
22) What countries have you visited in the last month?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Proceed to contacting a Human Biosecurity Officer and complete Section 1 - 3 below.

SECTION 1

(C)HBO Name:			
State / Territory:			
Time contacted:		Time advice received:	
Advice provided: <input type="checkbox"/> Traveller to seek own medical advice. No Further information required <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> Further assessment required. ➤ Complete Section 2 & 3			

SECTION 2

Please complete the record of communications made during the administration of the Checklist.

CONTACT LOG		
Person contacted	Date and time	Purpose

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SECTION 3

<input type="checkbox"/> (C)HBO detailed in Section 1 advised that: <i>"Duty of care for this traveller has been transferred to you as the relevant Human Biosecurity Officer"</i>
<input type="checkbox"/> Traveller transferred by ambulance to _____ (name of hospital)
<input type="checkbox"/> Traveller subject to a Human Biosecurity Control Order (HBCO) HBCO reference: _____
Traveller referred to (please tick appropriate): <input type="checkbox"/> Hospital <input type="checkbox"/> GP <input type="checkbox"/> Other
<input type="checkbox"/> Traveller provided with a Yellow Fever Action Card
<input type="checkbox"/> Other - please specify _____

Once the TIC is completed, scan all pages and e-mail to humanbiosecurity@health.gov.au.

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Traveller with Illness Checklist

Air and Sea Travellers

Step 1: Determine if the person has had a fever, chills or sweats

Ask the ill traveller...

At any time in the last 24 hours have you had a fever, chills or sweats?

☐ Yes

If **NO** or **DO NOT KNOW** advise the traveller to seek their own medical advice.

If **YES**, continue to **STEP 2**

UPDATE January 2020: Additional screening questions have been added (Question 1 - Step 3.0 and Questions 20 & 21 – Step 4.0). Please ensure they are completed prior to contacting a Human Biosecurity Officer.

When assessing an ill traveller on an aircraft, the following aircraft door policy applies

DAWR Policy update as of 23 August 2018:

‘During the biosecurity assessment of an ill traveller on board an aircraft, the aircraft door must be in the closed (but not latched/locked) position’.

During the assessment of the ill traveller on board the aircraft, under Section 48 of the Biosecurity Act, the aircraft has not yet been granted pratique and it is a legislative requirement that the **operator of the aircraft ensures** that individuals **do not** disembark unless permission to do so is given by the attending biosecurity officer or human biosecurity officer.

Failure to do so may result in non-compliance action against the operator of the airline, *which may include a civil penalty of 120 penalty units.*

This policy update is to provide consistency to:

- operational staff
- airline operators, and
- prevent individuals from disembarking the aircraft prior to pratique being granted.

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Step 2: Collect information**Assessment details**

Name of airport/seaport:		
Date of assessment:		
Was the assessment conducted:	<input type="checkbox"/> Face to face	<input type="checkbox"/> Over the phone (vessels only)
Name Biosecurity officer(s):		
Department of Agriculture was notified of an ill traveller by:	<input type="checkbox"/> the Airline/Vessel Master prior to disembarkation from the vessel Name of Airline/ Vessel Master: <input type="checkbox"/> Australian Border Force <input type="checkbox"/> Other If other, please specify:	
	Was non-compliance action against airline/vessel recorded? NB: a Non-Compliance Report Notification Form should be completed, where applicable <input type="checkbox"/> Yes <input type="checkbox"/> No	
What symptoms or information were provided with notification?		
Was a HBO/CHBO contacted?	<input type="checkbox"/> Yes Provide details at Step 4, page 7.	<input type="checkbox"/> No No details required.

III Traveller's personal particulars:

Name (first name and surname)	
Gender	<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Indeterminate/intersex/unspecified
Date of Birth (dd/mm/yy)	
Nationality	
Flight Number / Vessel Name	
Origin of flight/voyage	
Contact address in Australia	
Contact number in Australia	
Final destination in Australia	
Email address	

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Ask the ill traveller...	Tick as appropriate	
1) Have you been to Wuhan, Hubei Province China in the past 2 weeks? (including transit)*	<input type="checkbox"/> Yes ➤ Action Required: See Below	<input type="checkbox"/> No ➤ Go to STEP 3.1

*If the traveller has arrived on a direct flight from Wuhan, immediately tick yes.

If **YES** to Question 1:

- Immediately proceed to **Question 20, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.1: Establish if there are other symptoms

Please complete the entire checklist in full. All questions (as indicated) must be asked of the ill traveller and recorded.

Step 3.1: Cough

Ask the ill traveller...	Tick as appropriate		
2) Do you have a new coughing illness, which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Ask Questions 3 to 8		<input type="checkbox"/> No ➤ Go to STEP 3.2
3) Have you been in contact with any birds or bird products within the last two weeks (e.g. handling, slaughtering or eating raw poultry products)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
4) Have you recently been in contact with any unwell people who were suspected or confirmed to have Avian Influenza?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
5) Have you recently handled samples (animal or human) suspected of containing Avian Influenza virus in a laboratory or other setting?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
6) Have you recently been in contact with any unwell people who were suspected or confirmed to have MERS?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
7) Have you recently been in a healthcare facility while in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know
8) Have you recently been in contact with camels or drunk raw camel milk or eaten camel meat in a country in the Middle East?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **YES** to Questions 3, 4, 5, 6, 7 or 8 immediately proceed to **Question 20, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** or **DO NOT KNOW** to all of the above continue to **STEP 3.2**.

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Step 3.2: Bleeding and bruising

Ask the ill traveller....	Tick as appropriate	
9) Have you been in any country within Africa* in the last 3 weeks?	<input type="checkbox"/> Yes Ask Questions 10 to 12	<input type="checkbox"/> No ➤ Go to STEP 3.3

* Not including Egypt

Ask the ill traveller....	Tick as appropriate	
10) Do you have any unusual bleeding, such as bleeding from the eyes or ears or nose?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
11) Do you have any severe bruising?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
12) Do you have any of the following symptoms: muscle aches, vomiting, diarrhoea or severe headache?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

If **YES** to **any of** Question 10 **or** 11 **or** 12, immediately proceed to **Question 20, STEP 4 AND** contact a Human Biosecurity Officer;

OR

If **NO** to Question 10 **and** 11 **and** 12 continue to **STEP 3.3**.

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Step 3.3: Rash

Ask the ill traveller...	Tick as appropriate	
13) Do you have a new rash which developed in the last 2 weeks?	<input type="checkbox"/> Yes ➤ Go to Question 14	<input type="checkbox"/> No ➤ Go to STEP 3.4
14) Is the rash itchy?	<input type="checkbox"/> Yes ➤ Go to STEP 3.4	<input type="checkbox"/> No ➤ Action Required: See Below

If **NO** to Question 14:

- Immediately proceed to **Question 20, STEP 4; AND**
- Contact a Human Biosecurity Officer.

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Step 3.4: Yellow eyes and/or skin

Ask the ill traveller...	Tick as appropriate	
15) Have you, or anyone around you, noticed the whites of your eyes and/or skin has yellowed?	<input type="checkbox"/> Yes ➤ Go to Question 16	<input type="checkbox"/> No ➤ Advise person to seek own medical advice
16) Were you in Africa, South/Central America or the Caribbean within the last 6 days (including transit)?	<input type="checkbox"/> Yes ➤ Go to Question 17	<input type="checkbox"/> No ➤ Advise person to seek own medical advice

17) Which country(s) did you visit?

South or Central America/Caribbean	Africa	
<input type="checkbox"/> Argentina (Misiones province and Corrientes province only)	<input type="checkbox"/> Angola	<input type="checkbox"/> Guinea
<input type="checkbox"/> Bolivia	<input type="checkbox"/> Benin	<input type="checkbox"/> Guinea-Bissau
<input type="checkbox"/> Brazil	<input type="checkbox"/> Burkina Faso	<input type="checkbox"/> Kenya
<input type="checkbox"/> Colombia	<input type="checkbox"/> Burundi	<input type="checkbox"/> Liberia
<input type="checkbox"/> Ecuador (excluding the Galapagos Islands)	<input type="checkbox"/> Cameroon	<input type="checkbox"/> Mali
<input type="checkbox"/> French Guiana	<input type="checkbox"/> Central African Republic	<input type="checkbox"/> Mauritania
<input type="checkbox"/> Guyana	<input type="checkbox"/> Chad	<input type="checkbox"/> Niger
<input type="checkbox"/> Panama	<input type="checkbox"/> Congo, Democratic Republic of the	<input type="checkbox"/> Nigeria
<input type="checkbox"/> Paraguay	<input type="checkbox"/> Congo, Republic of the	<input type="checkbox"/> Rwanda
<input type="checkbox"/> Peru	<input type="checkbox"/> Cote d'Ivoire (Ivory Coast)	<input type="checkbox"/> Senegal
<input type="checkbox"/> Suriname	<input type="checkbox"/> Equatorial Guinea	<input type="checkbox"/> Sierra Leone
<input type="checkbox"/> Trinidad	<input type="checkbox"/> Ethiopia	<input type="checkbox"/> South Sudan
<input type="checkbox"/> Venezuela	<input type="checkbox"/> Gabon	<input type="checkbox"/> Sudan
	<input type="checkbox"/> Gambia	<input type="checkbox"/> Togo
	<input type="checkbox"/> Ghana	<input type="checkbox"/> Uganda
<input type="checkbox"/> None of the countries listed above	<input type="checkbox"/> None of the countries listed above	

If **NONE of the countries listed above**, advise the person to seek their own medical advice. Otherwise if a country(s) is selected from the above, **proceed to Question 18**.

	Tick as appropriate		
18) Do you have a Yellow Fever vaccination certificate?	<input type="checkbox"/> Yes ➤ Go to Question 19	<input type="checkbox"/> No	<input type="checkbox"/> Do not know

If **NO or DO NOT KNOW** to Question 18 immediately proceed to **Question 20, STEP 4** and contact a Human Biosecurity Officer.

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<u>Through observation...</u>	Tick as appropriate	
19) Yellow Fever vaccination certificate sighted?	<input type="checkbox"/> Yes Advise ill traveller to seek own medical advice	<input type="checkbox"/> No

If **NO** to Question 19, complete **Question 20, STEP 4** and immediately contact a Human Biosecurity Officer.

Step 4: HBO/ CHBO Contact Summary

To be completed in circumstances where a Human Biosecurity Officer (including the Chief Human Biosecurity Officer) is to be contacted regarding the ill traveller.

Ask the ill traveller...	Tick as appropriate
20) When did your symptoms start?	<input type="checkbox"/> less than one week ago <input type="checkbox"/> one to two weeks ago <input type="checkbox"/> more than two weeks ago Go to Question 21.
21) What countries have you visited in the last month?	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Proceed to contacting a Human Biosecurity Officer and complete Section 1 - 3 below.

SECTION 1

(C)HBO Name:			
State / Territory:			
Time contacted:		Time advice received:	
Advice provided: <input type="checkbox"/> Traveller to seek own medical advice. No Further information required <input type="checkbox"/> Other (please specify) _____ <input type="checkbox"/> Further assessment required. ➤ Complete Section 2 & 3			

SECTION 2

Please complete the record of communications made during the administration of the Checklist.

CONTACT LOG		
Person contacted	Date and time	Purpose

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SECTION 3

☐ (C)HBO detailed in Section 1 advised that:

“Duty of care for this traveller has been transferred to you as the relevant Human Biosecurity Officer”

☐ Traveller transferred by ambulance to _____ (name of hospital)

☐ Traveller subject to a Human Biosecurity Control Order (HBCO)

HBCO reference:

Traveller referred to (please tick appropriate):

☐ Hospital

☐ GP

☐ Other

☐ Traveller provided with a Yellow Fever Action Card

☐ Other - please specify _____

Once the TIC is completed, scan all pages and e-mail to humanbiosecurity@health.gov.au.

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Special Commission of Inquiry into the Ruby Princess

EXHIBIT 125

Supplementary Voluntary Submission of the Commonwealth of Australia
dated 31 July 2020 and accompanying documents



Australian Government Solicitor

**Supplementary voluntary submission to the
Special Commission of Inquiry into the Ruby
Princess**

**Commonwealth of Australia (represented by the
Department of Health, the Department of Home
Affairs and the Department of Agriculture,
Water and the Environment)**

31 July 2020

The Australian Government Solicitor
Level 42 MLC Centre
19 Martin Place
Sydney NSW 2000

Contact: Simon Daley, Chief Solicitor

File ref: 20203214

Part I: Introduction

1. The Commonwealth has provided to the Commission a voluntary statement dated 12 June 2020 (Statement) and a voluntary submission dated 16 July 2020 (Submission).

2. On 24 July 2020, the senior solicitor assisting the Commission wrote to the Commonwealth by email in the following terms (Email):

I refer to the above Special Commission, in which I assist Commissioner Walker SC. I further refer to paragraph 69 of the Commonwealth's first Voluntary Statement to the Special Commission dated 12 June 2020, and the Determination referred to in footnote 46 of that Statement.

It appears that the class of persons described in that Determination are not taken to enter Australia (and are, therefore, not subject to passport control pursuant to s 166 of the *Migration Act 1958* (Cth) (**the Act**) if the conditions in s 80 of the Act are satisfied.

Section 80(a) of the Act provides that a person is not taken to leave Australia if a person does not go to a foreign country (other than for transit purposes).

It appears to the Special Commission that the passengers aboard the Ruby Princess did not satisfy the requirements of s 80(a) of the Act. I would be grateful if you could advise whether the Commonwealth has a different view.

3. The Commonwealth (represented by Home Affairs, Agriculture and Commonwealth Health) provides this supplementary submission, in response to the Email, to assist the Commission.
4. This supplementary submission is provided voluntarily. It should not be taken as a concession that the Commonwealth or its officers and employees are bound by the *Special Commissions of Inquiry Act 1983* (NSW) or are subject to any of the Commission's coercive powers.
5. This supplementary submission has been prepared by the Australian Government Solicitor and should be read together with the Statement and the Submission. It assumes a familiarity with those documents and adopts the abbreviations used in them.

Part II: Supplementary submission

6. This supplementary submission addresses in turn two topics raised by the Commission's Email:
 - a. The requirements for the operation of ss 80 and 169 of the Migration Act, as relevant to the arrival of the Ruby Princess in Sydney on 19 March 2020.
 - b. Whether passengers aboard the Ruby Princess on its arrival met those requirements.
7. In short, the Commonwealth agrees with what is stated in the Email to be the Commission's understanding of the requirements for the operation of ss 80 and 169, but considers that those requirements were met in the case of passengers who were not 'way port joiners'. This reflects a considered view of the meaning of 'transit purposes', as that expression appears in s 80(a), which has long been adopted and applied by Home Affairs and predecessor Departments.

REQUIREMENTS FOR THE OPERATION OF SECTIONS 80 AND 169 OF THE MIGRATION ACT

8. Section 166(1) of the Migration Act imposes an obligation on a person who 'enters Australia'¹ to do various things, without unreasonable delay, which are for the purpose of assisting with immigration clearance. Section 169(1) provides, for the purposes of s 166, that a person who 'goes outside the migration zone' and 'under section 80 is not taken to leave Australia' is not, on re-entering the migration zone, taken to enter Australia, but may be directed by a clearance officer to comply with s 166.
9. Section 80 of the Migration Act provides that a person is taken not to 'leave Australia'² if the person goes outside the migration zone on a vessel and:
 - (a) does not go (other than for transit purposes) to a foreign country; and
 - (b) remains a passenger, or a member of the crew, of that vessel while outside the migration zone; and
 - (c) is outside the migration zone for no longer than the prescribed period.

The prescribed period for the purposes of s 80(c) is 30 days.³

10. Sections 169(2)-(4) affect the operation of s 169(1). Section 169(2) disapplies s 169(1) to a person who goes outside the migration zone on an 'international passenger cruise ship', as defined in s 169(4). Section 169(3) then empowers the Minister or Secretary to determine in writing that, 'despite subsection (2), subsection (1) does apply to a class of persons'. The combined effect of these provisions is that a person who goes outside the migration zone on an international passenger cruise

¹ The phrase 'enter Australia' is defined in s 5 of the Migration Act, in relation to a person, to mean 'enter the migration zone'. Migration zone is also defined in s 5.

² The phrase 'leave Australia' is defined in s 5 of the Migration Act, in relation to a person and subject to s 80, to mean 'leave the migration zone'.

³ Migration Regulations, s 3.07.

ship, which, as defined in s 169(4), would include the Ruby Princess, will only *potentially* fall within the scope of s 169(1) if they fall within a class of persons in respect of whom the Minister or Secretary has made a determination under s 169(3). But s 169(1) still, in terms, only operates if the person is one to whom s 80 applies.

11. The Commonwealth does not submit that s 169(3) has any wider operation relevant to the present matter. It does not consider that s 169(3) empowers the Minister or Secretary to exempt a class of persons from having to comply with any of the internal requirements of s 169(1).⁴
12. The Commonwealth understands the above analysis to be consistent with the Commission's analysis as described in the Email.

WHETHER PASSENGERS ABOARD THE RUBY PRINCESS MET THE RELEVANT REQUIREMENTS

13. Consistently with the above analysis, by the *Migration (VES 20/002: Class of Persons Taken Not to Enter Australia) Determination 2020* (Cth) (Determination), which was referred to in the Statement at [69] and fn 46,⁵ a delegate of the Secretary determined under s 169(3) that 'despite subsection 169(2) of the [Migration] Act, subsection 169(1) does apply to the class of persons, other than way port joiners, who are passengers or crew on an international passenger cruise ship voyage specified for the corresponding vessel listed' in 13 schedules, one of which was for the Ruby Princess and included the presently relevant voyage: see Determination, Sch 13, item 1. The phrase 'way port joiners' is defined in the Determination to mean 'passengers or crew who join an international cruise ship voyage at an overseas port'. The relevant effect of the Determination was that passengers and crew who departed Australia on the Ruby Princess on 8 March 2020 could potentially fall within the scope of s 169(1) upon re-entering Australian on 19 March 2020, but only if they otherwise met its requirements.
14. The main such requirement is that each person 'under section 80 is not taken to leave Australia'. The Commonwealth considers that s 80 had that effect in respect of each passenger or crew member on board the Ruby Princess who was not a way port joiner.⁶
15. Sections 80(b) and (c) do not present any issues. There is no reason to think that any person who left Australia on 8 March 2020 as a passenger or crew member of

⁴ Such a reading would be in tension with the words 'despite subsection (2)', which indicate that the work done by s 169(3) is to negate the effect of s 169(2).

⁵ The Determination accompanied the Statement as DHA.0001.0003.1731.

⁶ A person was required to be immigration cleared under s 166 if either: (i) they were a passenger or crew member who joined the voyage at an overseas port and thereby a way port joiner (such that the Determination did not apply to them and s 169(2) applied), or (ii) they did not go outside the migration zone on the vessel and remain a passenger or crew member on the vessel while outside the migration zone (such that the chapeau of s 80, and s 80(b), did not apply to them). However, any theoretical difference between these concepts does not appear presently to be material, and 'way port joiner' will be used compendiously to describe both groups.

the Ruby Princess did not retain that status throughout the cruise, and none was outside the migration zone for longer than 30 days: see [9] above.

16. As to whether s 80(a) applied, Home Affairs and its predecessor Departments have long taken the view that passengers and crew other than way port joiners on a cruise voyage which begins and ends at a port in Australia (a 'round trip cruise'), and which docks at ports in foreign countries for only short periods of time, do not go to those foreign countries 'other than for transit purposes'. This view extends to passengers who, during those short periods, disembark the ship temporarily and may even leave the relevant foreign port on day trips.
17. The words 'other than for transit purposes', appearing in s 80, are not defined for the purposes of the Migration Act. They were inserted as part of a redraft of the predecessor provision, s 26ZU, effected by s 38 of the *Migration Legislation Amendment Act 1994* (Cth). The relevant explanatory memorandum provided:

This section has been redrafted to better express the policy intention which is that passengers and crew on round trip cruises, fishermen and others who leave Australia and return within a prescribed time are taken not to leave Australia provided that they do not go to a foreign country (other than for transit purposes).
18. The explanatory memorandum's reference to 'round trip cruises' provides context for what is meant by the words 'other than for transit purposes' as they appear later in the sentence and in s 80, in that it reveals an understanding that s 80(a) would have work to do and achieve a policy intention in respect of passengers and crew on such cruises. This understanding was also later confirmed by Parliament's introduction of ss 169(2)-(5) by the *Migration Legislation Amendment Act (No 1) 2008* (Cth), which (when read with ss 80(a)-(b) and 169(1)) only have work to do to the extent that passengers or crew who leave and re-enter the migration zone on international passenger cruise ships, as defined, and remain as such whilst outside the migration zone, can be seen to fall within s 80(a).
19. The experience of Home Affairs and its predecessor Departments was in 1994 and 2008, and is presently, that round trip cruises as a matter of course involve cruise ships docking in foreign ports for short periods, and passengers disembarking the ship temporarily, including for day trips. The Commonwealth would regard it as an unduly narrow understanding of the policy intention, as expressed in the passage of the explanatory memorandum extracted at [17] above, that only those passengers and crew on round trip cruises who do not disembark the ship temporarily whilst is docked at foreign ports for short periods, are taken not to leave Australia.
20. The Commonwealth also considers that its position with respect to round trip cruises is consistent with the ordinary meaning, as reflected in the Macquarie Dictionary's definition of the term 'transit' as relevantly meaning:⁷
 - a. when used as a noun – 'the act or fact of passing across or through; passage from one place to another', and

⁷ Macquarie Dictionary Online (Macquarie, 2020), entry for 'transit'.

- b. when used in the phrase ‘in transit’ (which can be seen as related to its use in s 80(a), given that provision’s application in the field of international travel) – ‘passing through a place; staying for only a short time’.
21. Consistently with its longstanding position, Home Affairs routinely grants ‘Round Trip Cruise’ (RTC) status to round trip cruises which will visit any foreign ports only for short periods. RTC status is granted by a delegate of the Secretary or Minister making a determination under s 169(3) in respect of the relevant voyage, which occurs only after the cruise operator satisfies Home Affairs that passengers and crew who remain with the voyage for its duration will meet each of the requirements of s 80. Accompanying this supplementary submission are a Procedural Instruction and Standard Operating Procedure which refer to the relevant departmental processes, among other matters.⁸ Those processes commence with an application by a cruise vessel operator to Home Affairs in respect of individual voyages for which the operator wishes to be granted RTC status. Such an application is generally accompanied by itineraries for each such voyage: see, eg, the application for the relevant Ruby Princess voyage, which took the form of a letter from Carnival Australia to DHA dated 12 July 2019.⁹ The processes culminate in a letter to the cruise vessel operator advising that RTC status has been granted, and a determination being made under s 169(3) in the form of the Determination.¹⁰ A consequence of this process being followed and RTC status being granted in respect of a voyage is that Home Affairs only requires ABF officers to subject way port joiners to round trip cruises to immigration clearance under s 166 upon the conclusion of that voyage in Australia: see, as an example of this occurring, Statement, [157]. That process was followed in respect of the voyage of the Ruby Princess which culminated in its arrival in Sydney on 19 March 2020.

⁸ Occasional references are made in these documents to a ‘way port leaver’ – defined in the Standard Operating Procedure as a person ‘who disembarks the ship at an international port’ – needing to be subjected to immigration clearance. In context, these references should be understood as being to persons who disembark the ship other than for transit purposes (eg, permanently) at an international port; the relevant ‘clearance’ is that which is necessary upon a person’s departure from Australia (rather than on any subsequent return to Australia): see, eg, Standard Operating Procedure at [4.3]-[4.4]; Procedural Instruction at [4.5]. This is also how the similar reference in the letter accompanying this supplementary submission as DHA.0001.0003.2556 to ‘[p]assengers that ... leave vessel at an overseas port’ should be understood.

⁹ A copy of this letter accompanies this supplementary submission as DHA.0001.0003.2556. The letter also records Carnival’s understanding that its application for RTC status was ‘as per criteria under Section 80 of the Migration Act 1958, where each voyage covered during this period must depart Australia and return to Australia within 30 days and call at overseas port(s) for transit purposes only.’

¹⁰ See, in respect of the Ruby Princess, Letter, ABF to Carnival Australia (4 September 2019) (DHA.0003.0002.0033), attaching determination under s 169(3) (4 September 2019) (DHA.0003.0002.0037). This determination was repealed and replaced by the Determination on 13 March 2020: Determination, paragraph (b).

INDEX TO DOCUMENTS ACCOMPANYING SUPPLEMENTARY SUBMISSION

	Document name	Document date	Document ID
98.	Home Affairs, Standard Operating Procedure – Cruise Ship Processing: Round Trip Cruise	12 September 2018	DHA.0003.0002.0001
99.	Home Affairs, Procedural Instruction – Round Trip Cruises: Processing Overview	21 July 2018	DHA.0003.0002.0024
100.	Letter, Carnival Australia to DHA, attaching RTC Voyage Summary	12 July 2019	DHA.0001.0003.2556 DHA.0003.0002.0036
101.	Letter, ABF to Carnival Australia, attaching determination under s 169(3)	4 September 2019	DHA.0003.0002.0033 DHA.0003.0002.0037



Australian Government
Department of Home Affairs

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Cruise Ship Processing: Round Trip Cruise

Standard Operating Procedure

This instruction sets out the procedures for the processing of travellers and crew on board a cruise ship that has been granted Round Trip Status under Section 80 of the Migration Act 1958.

Approval Date	12 September 2018
Date of Review	12 September 2019
Contact	@abf.gov.au
Document ID (PPN)	BC-671
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1. Introduction

1.1. Background

Communication is the key to cruise ship processing. Effective communication with the ship and staff will ensure all crew and travellers are accounted for prior to giving clearance. Given the complications with travellers disembarking for day trips and then embarking at a later time it, is important to know the clearance status of all travellers.

The ships purser can provide valuable assistance by identifying the status of all travellers and should be given clear instructions that Australian Border Force (ABF) officers will require access to all travellers and their travel documents.

The ships purser should be provided with the contact details of the ABF officer who is responsible for processing the travellers and crew.

Officers should also be aware of the need to communicate information between ports of call. In particular, information on travellers and crew (including direct transit travellers) should be forwarded to the last port to assist with resource allocation and reconciliation.

2. Scope

2.1. In Scope

This instruction applies to staff in the Maritime environments providing immigration clearance under the *Migration Act 1958*.

2.2. Out of Scope

Clearance of travellers and/or goods under the *Customs Act 1901*.

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3. Glossary

Table 1 – Common terms and definitions used in this instruction

Term	Acronym (if applicable)	Definition
'C' Movement		<p>"C" movements are the term used in Departmental systems for shipping movements.</p> <p>*Note – use the entire craft ID only replace the alpha character.</p>
'R' Movement		<p>"R" movements are the term used in Departmental systems for Round Trip voyages. Create a cruise using the craft ID and replace the "C" of the craft ID with an "R".</p> <p>*Note – use the entire craft ID only replace the alpha character.</p>
Advanced Passenger Processing	APP	<p>Is a traveller processing system. All travellers travelling to Australia, including all transit travellers, must be processed through APP.</p> <p>Note: Infringement notices may be issued to operators who fail to comply with APP obligations.</p>
Agent		Is responsible for the correct and timely provision of the vessel and the traveller and crew details. They will ensure the lodgement of a "letter of request" 20 working days prior to arrival and are responsible for all travel, transfer and accommodation bookings.
Australian Border Force	ABF	The Australian Border Force is an agency within the Home Affairs portfolio responsible for offshore and onshore border control enforcement, investigations, compliance and detention operations in Australia.
Australian Border Force officer	ABF officer	An ABF officer is an Immigration and Border Protection worker (see section 4 Australian Border Force Act) authorised to perform border clearance duties.
Back to Back travellers		Is a traveller who is conducting consecutive voyages on the vessel which may include Round Trip Cruise (RTC) voyages or a combination of RTC and direct voyages.
Boarding Information Report	Boarding IR	<p>Is a system adjustment in the Information Network To Enhance Response Control, Enforcement and Prevention Techniques (INTERCEPT) and should be created when boarding activity is performed such as:</p> <ul style="list-style-type: none"> face to passport checks – the Boarding IR should indicate the number of crew checked; list the crew that have not been checked or those that have been checked crew muster

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Term	Acronym (if applicable)	Definition
		<ul style="list-style-type: none"> • check of crew docs to pre-arrival crew list • ships documents (certificates) check)/Logs examination • compliance checks • tasks performed at request of the vessel, such as bond releases.
Boarding officer		Is an ABF officer who boards a vessel to communicate with the Ships Purser about important timings and procedures for crewmember and traveller clearance. They also communicate with the Ships Purser about when and where sign-on and sign-off crew will be processed and by whom as well as ensure to provide the ship with ABF contact details.
Crew sign-off		Is an action crew take when signing-off a vessel at end of contract.
Crew sign-on		Is an action crew take signing-on a vessel at the commencement of a contract.
Direct Arrival		Is a vessel that arrives directly to an overseas port, excluding a Round Trip Cruise
Direct Departure		Is a vessel that departs directly to an overseas port, excluding a Round Trip Cruise.
Disembarking traveller		Is a traveller who arrives from overseas and permanently leaves a vessel.
Domestic/Coastal traveller		Is a traveller who joins a vessel at an Australian port and disembarks at another Australian port, before the vessel leaves for overseas.
Embarking traveller		Is a traveller who joins a vessel in Australia and departs Australia on the same vessel.
Information Network To Enhance Response Control, Enforcement and Prevention Techniques	INTERCEPT	Is a national risk management and operations control system used by ABF officers that incorporates alerts and information against which all vessels, aircraft, cargo handling premises and persons are screened. It includes processing for Maritime Crew visa (MCV) and advanced passenger processing for maritime crew and movements.
Intermediate arrival		Is a vessel that arrives from an Australian port.

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Term	Acronym (if applicable)	Definition
Intermediate departure		Is a vessel that departs for an Australian port.
Overlander		Is a traveller who disembarks at an Australian port and embarks at another Australian port on the same vessel.
Passenger Analysis Clearance Evaluation	PACE	Is a system used to process travellers at Australia's international air and seaports.
Round Trip Cruise	RTC	RTC is the term that is used to describe a voyage that meets section 80 of the <i>Migration Act 1958</i> (Migration Act).
Ships Purser		Is an appointed member of a ship's crew who handles communications with the ABF relating to the crew, travellers and the ship's movements. They provide accurate and timely lists to ABF and other government agencies and inform transit travellers that they will be required to present to ABF officers – either on the ship between the final two ports or onshore if no outward en route clearance is to be conducted. They also inform the ABF of any crew or traveller changes that may occur.
Transit traveller		Is a traveller who arrives in Australia on a vessel and departs Australia on the same vessel.
Way port joiner		Is a crewmember or traveller who joins a ship at an international port while the ship was on a Round Trip Cruise. Full immigration and customs inwards clearance is still required.
Way port leaver		Is a crewmember or traveller who disembarks a ship at an international port while the ship was on a Round Trip Cruise. Full immigration clearance is still required.

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4. Standard Operating Procedure

4.1. Overview

It is important to distinguish between round trip crew, travellers and way port leaver crew or travellers. Each will be processed differently in Departmental systems.

All travellers embarking on a Round Trip Cruise (RTC) are entered into Passenger Analysis Clearance Evaluation (PACE) as "R" movements. These movements are not recorded in the Departmental Movements Database as the travellers are not deemed to have departed Australia for immigration purposes, as per section 80 of the *Migration Act 1958*

Travellers

PACE will record the travellers who will be remaining with the vessel throughout the RTC voyage with an 'R' movement.

PACE will record the travellers to be immigration cleared for RTC voyages, that is way point joiners/leavers, with a 'C' movement.

Crew

Crew who are way port leavers (crew who leave the RTC mid journey and not intended to return to Australia) are to be processed with a departure movement in Information Network To Enhance Response Control, Enforcement and Prevention Techniques (INTERCEPT).

Crew who are way port joiners (who join the RTC mid journey and intend to arrive into Australia as a new member of the ships crew) are to be processed with an arrival movement in INTERCEPT.

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SECTION 1: OUTWARDS ROUND TRIP CRUISES

4.2. Round Trip Cruise outwards processing

Pre departure checks are to be conducted well in advance of the vessels' departure (if time permits). The operator of a ship is obliged to report all persons expected to be on board when it departs from the port at least 48 hours prior to departure.

It should be noted that as a vessel on an RTC is deemed not to have left Australia (section 80 of the Migration Act), travellers are unable to use such voyages to revalidate their multiple entry visas and extend their stay. They will be deemed not to have left Australia, and must make other arrangements to revalidate or extend any visa held.

4.3. Processing the traveller

RTC travellers

It is the responsibility of the Ships Purser to provide a list of travellers embarking on a RTC. RTC travellers are those that depart and return on the same vessel.

ABF officers processing travellers, including back to back travellers on consecutive RTC Voyages are required to undertake the following steps:

- obtain a manifest of embarking RTC travellers from the ships purser or Shipping Agent, if not already provided
- create an 'R' movement in PACE table
- use live PACE to process travellers
- conduct a face-to-passport check on all travellers as they present
- action the alerts generated from PACE.

It is important to note that although travellers are not deemed to have left Australia on a RTC because of section 80 of the Migration Act, all alerts including information that may prevent them departing from Australia must be actioned and the traveller referred to the referring agency for further action.

Way port leaving travellers

It is the responsibility of the Ships Purser to provide a list of way port leavers on a RTC. Way port leavers are travellers who will depart on the RTC voyage but will disembark mid journey and not return to Australia.

ABF officers processing way port leaving travellers on RTC Voyages are required to undertake the following steps:

- obtain a list of way port leavers from the ship or Shipping Agent, if not already provided
- create a 'C' movement in PACE table
- separate the way port leavers from the RTC travellers as they present
- use live PACE to process the way port leavers
- conduct a face-to-passport check on all travellers as they present
- action the alerts generated from PACE.

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4.4. Processing the crew

Crew on board RTC voyages are generally treated the same as when on international voyages. The exception to this is they cannot apply for a Maritime Crew Visa (MCV) whilst on a RTC as they must be outside of Australia at the time of application, and the vessel is deemed not to have left Australia.

RTC Crew

- Prior to the vessels departure, ABF officers will undertake the following steps processing RTC crew prior to departure:
- update any expected sign on's, sign off's and/or way port leavers
- check INTERCEPT for any alerts – action as required
- view the PACE responses generated in INTERCEPT for all crew including sign on's, sign off's, and way port leavers
- update the movement in INTERCEPT with expected departure details and number of travellers on board
- check the round trip tick box (this will create the arrival at the next Australian port).

Crew processing – Sign on procedures

ABF officers processing crew sign on's are required to undertake the following steps:

- enter expected sign on details into INTERCEPT
- action any alerts
- print Form B522 Notification of sign-on (Appendix B). Use this to reconcile sign on and sign off crew in INTERCEPT correct and amend as appropriate
- conduct a face-to-passport check of the crew members signing on
- confirm Sign On in INTERCEPT crew list verify crew member details in INTERCEPT

Crew processing – Sign off procedures

ABF officers processing crew sign off's are required to undertake the following steps:

- enter expected sign off details into INTERCEPT
- action any alerts
- print Form B521 Notification of Sign-off (Appendix A). Use this to reconcile sign on and sign off crew in INTERCEPT correct and amend as appropriate
- conduct a face-to-passport check of the crew members signing off
- collect Form B465 crew declaration (Appendix C) from the crew member
- conduct clearance activities, including cabin and baggage examination as required
- confirm sign off in the crew list
- verify crew member details in INTERCEPT.

Way port leaving crew

It is the responsibility of the Ships Purser to provide a list of all way port leavers. Way port leavers are travellers who will depart on the RTC voyage but will disembark mid journey and not return to Australia.

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Note: All way port leavers are processed at their final departure port from Australia.

ABF officers processing crew way port leavers are required to undertake the following steps:

- obtain a list of way port leavers from the ship or Shipping Agent, if not already provided
- mark in INTERCEPT as way port leaver
- physically separate the way port leavers from the RTC crew at the time of processing
- conduct a face-to-passport check on crew way port leavers
- action any alerts generated.

4.5. Processing complex Round Trip Cruise's

If the vessel is continuing onto another Australian port prior to departure of the RTC, each port is to ensure that:

- all embarking travellers are recorded in PACE on either an "R" or "C" movement, according to the travellers category
- way port leaver crew are processed at the final port – ensure pursers are asked for a list of way port leaver crew at the **final port**
- notate the port, date and the number of sign on's, and domestic crew processed at your port in the Information section of the boarding I.R. in INTERCEPT
- **Note:** ABF officers need to communicate information between ports of call. In particular, information on travellers and crew (including transit travellers) should be forwarded to the last port by email and recorded in an INTERCEPT Boarding IR to assist with resource allocation and reconciliation. Include details of travellers and crew movement (transit/domestic) in the notes section of INTERCEPT.

4.6. Traveller reconciliation

Traveller reconciliation on RTCs is an important process especially if it is a complex RTC and the vessel has conducted voyages to various Australian ports before departing.

The last Australian port is responsible for 100% accuracy. The ABF Supervisor overseeing RTC processing is to ensure that every traveller and crew member on board is accounted for and that they have been processed according to their status, that is RTC, back to backs or way port leavers.

ABF officers tasked with reconciling travellers on a RTC are required to undertake the following steps:

- 1) obtain an electronic outward manifest for all travellers, according to type – RTC, Way port leavers
- 2) compare the ships outward traveller list to the PACE list. Use the craft ID with 'R' for the RTC travellers and 'C' for the way port leavers.

4.7. Crew reconciliation

ABF officers tasked with reconciling crew on a RTC are required to undertake the following steps:

- Obtain a copy (paper or electronic) of the crew manifest from the ship, and obtain any sign on's/off's for the current port
- obtain crew departure manifest from INTERCEPT

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- compare the ships outward manifest to the INTERCEPT list.

4.8. Late reporting of way port leavers

If travellers or crew are to disembark at an overseas place it is the responsibility of the ship or Shipping Agent to inform the ABF prior to the vessels departure.

However, there are times when a person is off loaded overseas unexpectedly and it is only when the vessel returns that this is reported.

It is important to correct the previous movement as soon as possible.

Late reporting of travellers

ABF officers are to check if there were any previously not reported way port leavers as these travellers will need full immigration outward clearance. ABF officers are required to then undertake the following steps:

- remove any way port leavers from the departure outward 'R' movement
- create (or add any additional way port leavers to) and outward 'C' movement for previous departure date
- process the way port leavers on the outward 'C' movement
- review any alerts, for the way port leavers and refer as required.

Late reporting of crew

ABF officers are to check if there were any previously not reported way port leavers as these crew members will need full immigration outward clearance. ABF officers are required to then undertake the following steps:

- mark the way port leavers on the departure movement (this will need to be done by the last Australian departure port)
- review any alerts, for way port leavers and refer as required.

4.9. Tourist Refund Scheme

The Tourist Refund Scheme is available to all travellers on a RTC when that cruise has an international port included on its scheduled ports of call. It is to be offered at final port Australian port only.

Refer to *Procedural Instruction: Tourist Refund Scheme*

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SECTION 2: INWARDS ROUND TRIP CRUISES

4.10. Round Trip Cruise – Inwards processing

RTC Travellers

As the travellers disembark, separate the way port joiner travellers for ease of processing. ABF officers are required to undertake the following steps:

- all travellers are to present an Incoming Passenger Card (IPC) to the ABF officer at the primary line
- RTC IPCs are retained for 12 months.

Way port joiners

It is the responsibility of the Ships Purser to provide a list of all way port joiners. Way port joiners are travellers who were not on the original departure of the vessel and have joined the cruise mid journey.

ABF officers processing way port joiners are required to undertake the following steps:

- obtain a list of way port joiners, if not already provided
- process on the inward 'C' movement in PACE
- use live PACE
- ensure the traveller completes an IPC
- conduct a face-to-passport check on all way port joiners
- way port joiners IPCs must be checked for responses to health and character questions and the completeness of the card
- immigration clear the way port joiners
- retain the way port passenger card.

Back to Back travellers

Travellers who are travelling on consecutive voyages on the same vessel (which may include RTC voyages or a combination of RTC and direct voyages) are defined as back-to-back travellers.

ABF officers processing back-to-back travellers on consecutive RTC voyages are required to undertake the following steps:

- account for the traveller/s and ensure they are included in the Inwards "R" movement in PACE and subsequently in the Outwards "R" movement for the second and or subsequent voyages
- instruct the traveller to present to the ABF for outward primary clearance
- conduct any baggage examinations as required for travellers.

ABF officers processing back-to-back travellers on RTC inward or Direct departure voyages are required to undertake the following steps:

- account for the traveller/s and ensure they are included in the Inwards 'R' movement in PACE
- collect the IPC

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- instruct the traveller to present to the ABF for outward primary clearance
- conduct any baggage examinations as required for travellers.

4.11. Processing the crew

RTC Crew

When the outward movement is created and the round trip cruise tick box is checked the inward movement will be automatically created. All crew reported for the outward movement will be included in the inward movement unless marked as a way port leaver.

Crew processing – Sign on procedures

ABF officers processing crew sign on's are required to undertake the following steps:

- enter expected sign on details into INTERCEPT
- action any alerts
- print Form B522 (Notification of sign-on). Use this to reconcile sign on and sign off crew. Correct and amend INTERCEPT as appropriate
- conduct a face-to-passport check of the crew members signing on
- confirm Sign On in INTERCEPT crew list
- verify crew member details in INTERCEPT.

Crew processing – Sign off procedures

ABF officers processing crew sign off's are required to undertake the following steps:

- enter expected sign off details into INTERCEPT
- action any alerts
- print form B521. Use this to reconcile sign on and sign off crew. Correct and amend INTERCEPT as appropriate
- conduct a face-to-passport check of the crew members signing off
- collect Form B465 (crew declaration) from the crew member
- conduct clearance activities, including cabin and baggage examination as required
- confirm sign off in the crew list
- verify crew member details in INTERCEPT.

Way port joiner crew

It is the responsibility of the Ships Purser to provide a list of all way port joiners. Way port joiners are travellers who would not have departed on the RTC voyage but will embark mid journey and arrive into Australia as a direct arrival.

ABF officers processing crew way port joiners are required to undertake the following steps:

- obtain a list of way port joiners from the ship or agent, if not already provided
- mark the crew in INTERCEPT as a way port joiner
- separate the way port joiners from the RTC crew

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- conduct a face-to-passport check on all the way port joiner crew
- action any alerts.

4.12. Traveller reconciliation

Traveller reconciliation on RTCs is an important process if it is a complex RTC and the vessel has conducted voyages to various Australian ports before departing.

The last Australian port is responsible for ensuring that every traveller and crew member is on board is accounted for and that they have been processed according to their status. (i.e. RTC, back to backs or way port leavers).

ABF officers tasked with traveller reconciliation are required to undertake the following steps:

- obtain an electronic outward manifest for all travellers, according to type – RTC, Way port leavers.
- compare the ships outward passenger list to the PACE list. Use the craft ID with 'R' for the Round trip cruise travellers and 'C' for the way port leavers.
 - manually compare the two lists. Any discrepancies may be duplicates in PACE or travellers not accounted for.
- follow up action to locate discrepancy as required.

4.13. Crew reconciliation

ABF officers need to communicate information between ports of call. In particular, information on travellers and crew (including direct transit travellers) should be forwarded to the last port to assist with resource allocation and reconciliation.

ABF officers tasked with crew reconciliation are required to undertake the following steps:

- Obtain crew manifest from the ship; and obtain any sign on's/off's for the current port
- Obtain crew departure manifest
- Compare the ships outward crew list to the INTERCEPT list.

4.14. Border Receipting

Travellers and crew on board RTCs are to be given concessions on any goods purchased while overseas. Any GST or duty on goods imported is to be collected. These are to be recorded in Border Receipting.

4.15. Enroute outward processing

If a vessel is conducting a circumnavigation of Australia on a RTC voyage, it may be necessary for ABF officers to join at an intermediate Australian port to reconcile travellers.

Outwards en route clearances are to be administered by Australian Border Operation Centre (ABOC). It is recommended that staff for en route outward to be selected from both the final port and en route embarking port. Due to PACE limitations, at least one ABF officer from the final port will be required if live PACE is to be used.

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Permission to perform an en route clearance will depend on:

- length of the voyage between Australian ports
- numbers and type of travellers
- resource availability at final and embarking en route port
- number of sea days or working days between second last and final port. If necessary ABF officers may need to embark at third final port
- industry involvement.

4.16. Travellers processing

ABF officers processing travellers during en route outwards clearance are required to undertake the following steps:

- process travellers into an 'R' expected movement created in PACE. It is important this is done in a timely manner to allow for any outward alert actions to be performed.
- conduct a face-to-passport check of travellers
- action alerts and refer as required
- on arrival into the last Australian port, hand over to the onshore team any work performed or referrals to be followed up.

4.17. Crew processing

Crew who are involved in complex RTC's do not require any special treatment. Way point joiners are to be added to the arrival movement at the first Australian port. Way port leavers are to be marked on the departure movement at the last Australian port.

Sign on and Sign offs are to be conducted at the port in which the crew member joins or departs

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5. Accountability and responsibilities

If ABF officers require clarification or assistance in regard to this instruction, they should contact the Traveller Operational Policy by email Traveller.Operational.Policy.Section@abf.gov.au or telephone: 02 6160 5504 AEST.

The Superintendent, Traveller Operational Policy has responsibility for the preparation and dissemination of this Standard Operating Procedure in regards to operational policy and programme management of border clearance activities for air and sea travellers, under the Customs Act and Migration Act.

The Director, Traveller Policy Advice and Support section has responsibility for preparation and dissemination of the Policy Statement in relation to this Standard Operating Procedure.

6. Statement of Expectation

Directions

The APS Code of Conduct states that 'an APS employee must comply with any lawful and reasonable direction given by someone in the employee's Agency who has authority to give the direction' (subsection 13(5) of the Public Service Act 1999).

Failure by an APS employee to comply with any direction contained in a PPCF document may be determined to be a breach of the APS Code of Conduct, which could result in sanctions up to and including termination of employment, as set out in subsection 15(1) of the Public Service Act 1999.

The Secretary's Professional Standards Direction, issued under subsection 55(1) of the Australian Border Force Act 2015, requires all IBP workers who are not APS employees (such as contractors or consultants) to comply with any lawful and reasonable direction given by someone in the Department with authority to issue that direction.

Failure by an IBP worker who is not an APS employee to comply with a direction contained in a PPCF document may be treated as a breach of the Professional Standards Direction, which may result in the termination of their engagement under section 57 of the Australian Border Force Act 2015. Non-compliance may also be addressed under the terms of the contract engaging the contractor or consultant.

Policy, Guidance and Recommendations

For all other provisions of PPCF documents, the Secretary and the Commissioner expect all IBP workers to:

- consider whether a proposed departure from any provision set out in a PPCF document is reasonable and justified in the circumstances;
- consider the risks of departing from any provision set out in a PPCF document;
- be responsible and accountable for the consequences of departing from, or not adhering to the content of, all PPCF documents, including where such departure or non-adherence results in a breach of any legal or other obligations which lead to adverse outcomes for the Department;
- be responsible for documenting the reasons/justification for their decision to depart from, or not adhere to, any PPCF document.

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Exercise of Legislative Powers and Functions

IBP workers who make decisions or who exercise powers or functions under legislation have a duty to make these decisions or exercise these powers or functions in accordance with the requirements of the legislation and legal principle.

What happens if this Policy Statement is not followed?

Failure to comply with a direction contained in this document may constitute a breach of the APS Code of Conduct, and may result in a sanction, up to and including termination of employment, being imposed under subsection 15(1) of the Public Service Act 1999.

For IBP workers who are not APS employees, failure to comply may constitute a breach of a direction under section 55 of the Australian Border Force Act 2015, and may result in the termination of their engagement under section 57 of that Act. Non-compliance may also be addressed under the terms of the contract engaging the IBP worker.

7. Related Framework documents

This instruction must be read in conjunction with the following documents:

7.1. Policy Statement

[TT-2983] Border Clearance

7.2. Procedural Instructions

[BC-536] Arrival, immigration clearance at airports and seaports

[BC-2514] Round Trip Cruises – Processing overview

[TI-2874] Tourist Refund Scheme

7.2. Standard Operating Procedures

[BC-674] Cruise Ship Processing – En route clearance

[C-2841] Cruise Ship Processing – Intermediate Voyages

8. References and legislation

8.1. Migration Act 1958

This Act sets out the primary requirements relating to immigration clearance as follows:

- Section 166 outlines the evidence of identity that must be presented to a clearance officer or an authorised system upon entry to Australia.
- Section 167 outlines when and where evidence must be presented to comply with section 166
- Section 168 outlines the circumstances where section 166 does not apply.
- Section 172 outlines a person's immigration clearance status, that is, whether the person has been immigration cleared, is in immigration clearance, has been refused immigration clearance or has bypassed immigration clearance.

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- Section 173 outlines the circumstances where a visa ceases to be in effect if the visa holder enters Australia in a way not permitted.
- Section 174 outlines the circumstances where a visa ceases if the holder remains without immigration clearance.
- Section 175 outlines the evidence that may be required to be given to a clearance officer upon a person's departure from Australia.

Other sections of the Act and Regulations are also important in the context of this instruction, they are:

- Section 80 - Outlines that certain persons taken not to leave Australia.

9. Consultation

9.1. Internal consultation

The following internal stakeholders were consulted in the development of this Standard Operating Procedure:

- Integrity and Professional Standards, Integrity and Professional Standards Branch
- FOI Privacy and Records Management Branch, Records Management Section
- Traveller Policy Branch, Traveller Policy Advice and Support Section.

9.2. External consultation

No external consultation.

10. Document details

BCS Category/Function	Trade & Traveller Clearance Management
BCS Sub-Category/Sub-Function	Passenger and Crew Processing
Period of Effect	12 September 2021

10.1. Document change control

Version number	Date of issue	Author(s)	Brief description of change
1.0	02 Jun 17	Aimee KAMENZ	Update of document into SOP
1.1	11 Sep 17	Aimee KAMENZ	Cleared PPCF Quality Assurance
1.2	10 Sep 18	Paul ABERCROMBIE	Reviewed for SES Approval.

For Official Use Only**10.2. Approval**


Approved by:	Pat DEVER Superintendent Traveller Operational Policy
Approved on (date):	12 September 2018

11. Appendices**11.1. Appendix A**

Form B521 Seaports – Notification of crew sign-off

(Available on Department of Home Affairs website)

For Official Use Only

	Australian BORDER FORCE	SEAPORTS - NOTIFICATION OF SIGN-OFF <i>Migration Act 1958</i>							
<ul style="list-style-type: none"> This form is required to assist Australian immigration entry and control processes as prescribed in the <i>Migration Act 1958</i> and the <i>Migration Regulations</i>. This form is to be lodged with the Department of Immigration and Border Protection as early as possible - at least 24 hours prior to the actual sign-off of the crew or spouse/dependent children of crew listed - excluding weekends and public holidays. Failure to advise the Department of Immigration and Border Protection in a timely manner may result in processing delays, the agent / master must liaise directly with the Department of Immigration and Border Protection to determine details of where / when sign-off and clearance activity will occur. 									
We require this information to enable us to conduct appropriate Customs checks prior to crew signing off vessels. The information provided may be disclosed to the following Government agencies: Department of Agriculture, Australian Federal Police and the Attorney General's Department.									
VESSEL DETAILS									
VESSEL NAME:	PORT:	ARRIVAL DATE: / /							
DEPARTURE DATE: / /									
CREW DETAILS (INCLUDING SPOUSE / DEPENDENT CHILDREN)									
FAMILY NAME * (AS PER PASSPORT)	GIVEN NAMES (AS PER PASSPORT)	PASSPORT NUMBER	PASSPORT NATIONALITY (COUNTRY OF ISSUE)	DATE OF BIRTH (DD/MM/YY)	S E X	SIGN-OFF PARTICULARS			
						DATE	TIME	REASON <small>If repatriation include flight details. If hospitalisation include hospital</small>	# OF DAYS**
DECLARATION I declare that all the particulars contained in this notification are complete, exact and true to the best of my knowledge. I further declare that I will be responsible for the maintenance of the above crew / spouse / dependent children and will guarantee their departure from Australia.									
NAME: <input style="width: 150px;" type="text"/>		SIGNATURE: <input style="width: 150px;" type="text"/>		* Authorised Agent / Master (*Strike out whichever is not applicable)		DATE: / /			

* Please include all crew in alphabetical order. If space provided is insufficient, additional pages providing the same data fields should be attached.
 ** The standard period of sign-off is 5 days. Any period above 10 days must be referred to the Department of Immigration and Border Protection.


B521 JUL 20150

11.2. Appendix B

Form B522 Seaports – Notification of crew sign-on

(Available on Department of Home Affairs website)

For Official Use Only

	Australian BORDER FORCE	SEAPORTS - NOTIFICATION OF SIGN-ON <i>Migration Act 1958</i>							
<ul style="list-style-type: none"> This form is required to assist Australian immigration entry and control as processes as prescribed in the Migration Act 1958 and the Migration Regulations. This form is to be lodged with the Department of Immigration and Border Protection as early as possible - at least 24 hours prior to the actual sign-on of the crew / spouse / dependent children listed - excluding weekends and public holidays. Failure to advise the Department of Immigration and Border Protection in a timely manner may result in processing delays, the agent / master must liaise directly with the Department of Immigration and Border Protection to determine details of where / when sign-on and clearance activity will occur. 									
We require this information to enable us to conduct appropriate Immigration and Customs checks prior to crew signing on vessels. The information provided may be disclosed to the following Government agencies: Department of Agriculture, Australian Federal Police and the Attorney General's Department.									
VESSEL DETAILS									
VESSEL NAME:	PORT:	ARRIVAL DATE: / /							
DEPARTURE DATE: / /									
CREW DETAILS (INCLUDING SPOUSE / DEPENDENT CHILDREN)									
FAMILY NAME * <small>(AS PER PASSPORT)</small>	GIVEN NAMES <small>(AS PER PASSPORT)</small>	PASSPORT NUMBER	PASSPORT NATIONALITY <small>(COUNTRY OF ISSUE)</small>	DATE OF BIRTH <small>(DDMMYY)</small>	S E X	SIGN-ON PARTICULARS			AUSTRALIAN MARITIME CREW VISA HOLDER? <small>(YES/NO)</small>
						DATE	TIME	RATING	
DECLARATION									
I declare that all the particulars contained in this notification are complete, exact and true to the best of my knowledge.									
NAME:	SIGNATURE:	* Authorised Agent / Master <small>(*Strike out whichever is not applicable)</small>			DATE: / /				


* Please include all crew in alphabetical order. If space provided is insufficient, additional pages providing the same data fields should be attached.
 (B522 JUL 2015)

11.3. Appendix C

Form B465 Crew Declaration

(Available on Department of Home Affairs website)

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CREW DECLARATION

Approved Form Customs Act 1901 Section 71AAAB

Family/Surname:		Given Names:	
Date of Birth: / /	Sex: Male <input type="checkbox"/> Female <input type="checkbox"/>	Flight number or name of ship:	
Passport Number:		Country of Issue:	
Intended Address in Australia:			State:
Phone:		Email:	

YOU MUST ANSWER EVERY QUESTION - IF UNSURE X YES

Are You Bringing Into Australia:

1. Goods that may be prohibited or subject to restrictions, such as medicines, steroids, illegal pornography, firearms, weapons or illicit drugs?	YES		NO	
2. More than 2250ml of alcoholic beverages or 50 cigarettes or 50g of tobacco products?	YES		NO	
3. Goods obtained overseas or purchased duty and/or tax free in Australia with a combined total price of more than AUD\$450, including gifts?	YES		NO	
4. Goods/Samples for business/commercial use?	YES		NO	
5. AUD\$10,000 or more in Australian or foreign currency equivalent? <small>Note: If a Customs Officer or Police Officer asks, you must report travellers cheques, cheques, money orders or other bearer negotiable instruments of any amount.</small>	YES		NO	
6. Meat, poultry, fish, seafood, eggs, dairy, fruit, vegetables?	YES		NO	
7. Grains, seeds, bulbs, straw, nuts, plants, parts of plants, traditional medicines or herbs, wooden articles?	YES		NO	
8. Animals, parts of animals, animal products including equipment, pet food, eggs, biological specimens, birds, fish, insects, shells, bee products?	YES		NO	
9. Soil, items with soil attached or used in freshwater areas e.g. sports/recreational equipment, shoes?	YES		NO	
10. Have you been in contact with farms, farm animals, wilderness areas or freshwater streams/lakes etc, in the past 30 days?	YES		NO	
11. Were you in Africa, South/Central America or the Caribbean in the last 6 days?	YES		NO	

NOTE: If in doubt about anything, please declare or ask any Officer of Customs or Department of Agriculture Officer for clarification.

Foreign Crew Use Only

Expected date of departure: / /	Flight number or name of ship:	Airport/Port:
---------------------------------	--------------------------------	---------------

Information sought on this form is required to administer customs, quarantine, statistical, health, wildlife and currency laws of Australia and its collection is authorised by legislation. It will be disclosed only to agencies administering these areas and those entitled to receive it under Australian law. The leaflet 'Safeguarding your personal information' is available at Australian ports and airports.

WARNINGS

- Aircraft / Vessel stores are goods under Customs and Quarantine control and must not be removed without authority.
- It is an offence to make a false statement to the Department of Immigration and Border Protection. You may be penalised or prosecuted.
- Penalties for drug offences are severe in Australia.
- It is an offence to provide false or misleading information about quarantine goods you may be carrying, with "on the spot" fines of up to \$340 or prosecution. In addition you may be prosecuted for undeclared goods imported in contravention of the Quarantine Act 1908.
- Upon departure from Australia you must also declare to a Customs Officer if you are carrying AUD\$10,000 or more in Australian or foreign currency equivalent.

Declaration

Signature: _____

The information I have given is correct and complete

Date: / /

B405 (July 2015)



Australian Government
Department of Home Affairs

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Round Trip Cruises – Processing Overview

Procedural Instruction

This procedural instruction applies to the procedures involved in approval of Round Trip Cruise voyages.

Approval Date	21 July 2018
Date of Review	21 July 2019
Contact	@abf.gov.au
Document ID (PPN)	BC-2514
TRIM Reference	OPD2017/202878

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1. Introduction

1.1. Background

The term “Round Trip Cruise” (RTC) refers to a voyage on a cruise ship that starts and ends in Australia, lasts for no more than 30 days, calls at overseas ports for transit purposes only, does not raise any border integrity concerns, and has been approved by a departmental delegate.

RTCs are covered by section 80 of the *Migration Act 1958* (Migration Act) which provides that travellers and crew on such a voyage are taken not to have left Australia.

Travellers and crew on an RTC are exempt from the requirement to comply with section 166 of the Migration Act and immigration clearance requirements unless directed to do so by an ABF officer.

Arrival and departure movement records are not created for a designated RTC as the travellers and crew are deemed not to have left Australia.

Travellers and crew are still required to meet customs and biosecurity requirements.

The Traveller Policy Advice and Support section has the authority to make a determination under section 169(3) of the Migration Act as to whether a voyage on a cruise ship is designated as an RTC and is therefore exempt from immigration clearance requirements.

For further information on the policy criteria required for RTC designation, refer to *Procedural Instruction: Arrival, immigration clearance & entry – Immigration clearance at airports and seaports*.

2. Scope

2.1. In Scope

This procedural instruction applies to the procedures involved in approval of Round Trip Cruise voyages.

This procedural instruction applies to staff in the maritime environments providing immigration clearance under the *Migration Act 1958* (Migration Act).

2.2. Out of Scope

This procedural instruction does not cover processing of travellers in the air environment.

This procedural instruction does not apply to voyages that are not deemed to be Round Trip Cruises.

This procedural instruction does not provide guidance on the process of how to determine a section 80 voyage.

This procedural instruction does not apply to clearance of travellers and/or goods under the *Customs Act 1901* (Customs Act).

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3. Glossary

Table 1 – Common terms and definitions used in this instruction

Term	Acronym (if applicable)	Definition
Australian Border Force	ABF	The Australian Border Force is an agency within the Home Affairs portfolio responsible for offshore and onshore border control enforcement, investigations, compliance and detention operations in Australia.
Australian Border Force officer	ABF officer	An ABF officer is an Immigration and Border Protection worker (see section 4 Australian Border Force Act) authorised to perform border clearance duties.
Authorised officer		Has the meaning given by section 5(1) of the <i>Migration Act 1958</i> (Migration Act). Namely, meaning an officer authorised in writing by the Minister or the Secretary for the purposes of that provision.
Immigration clearance		Is a person who is in immigration clearance in the circumstances set out in the <i>Migration Act 1958</i> (Migration Act).
Non-citizen		Has the meaning given by Section 5 of the <i>Migration Act 1958</i> (Migration Act) as a person who is not an Australian citizen.
Passenger Analysis Clearance Evaluation	PACE	Is a system used to process travellers at Australia's international air and seaports.
Referral		Is a request from one departmental work area to another to undertake an activity for a specific purpose related to the processing of a visa application. It is also a record of caseload assurance checks undertaken by a decision maker.
Round Trip Cruise	RTC	A RTC is the term that is used to describe a voyage that meets section 80 of the <i>Migration Act 1958</i> (Migration Act).
Wayport joiner		Is a crewmember or traveller who joins a ship at an international port while the ship was on a Round Trip Cruise. Full immigration and customs inwards clearance is still required.
Wayport leaver		Is a crewmember or traveller who disembarks a ship at an international port while the ship was on a Round Trip Cruise. Full immigration clearance is still required.

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4. Procedural Instruction

4.1. Designation of a Round Trip Cruise

Cruise ship operators or agents seeking an RTC determination for a particular voyage (or voyages), that meet section 80 of the Migration Act criteria must formally request this from Operational Priorities, Planning & Practice section.

Operational Priorities, Planning & Practice will assess the voyage itinerary and determine if it meets both section 80 of the Migration Act requirements and departmental policy criteria for RTC designation.

If a voyage is designated as an RTC, Operational Priorities, Planning & Practice will inform the following areas:

- The cruise ship operator or agent who requested RTC status
- ABF Maritime Operations
- Border Operations Centre (BOC)

4.2. Manifests

Vessels undertaking an RTC are required to maintain four manifests for travellers and crew travelling on the vessel. Copies of these manifests are to be supplied to ABF at each Australian port of call.

RTC Crew Manifest

This manifest contains the details for all crew who depart and return to Australia on the vessel. Crew who are on the crew manifest are not normally subject to immigration clearance requirements.

RTC Traveller Manifest

This manifest contains the details for all travellers who depart and return to Australia on the vessel. Travellers who are on the traveller manifest are not normally subject to immigration clearance requirements.

Inwards Traveller Manifest

This manifest contains the details of all travellers who have joined the vessel at an overseas port. Joining travellers on the inwards traveller Manifest remain subject to immigration clearance procedures under section 166 of the Migration Act

Outwards Traveller Manifest

This manifest contains the details of all travellers who disembark the vessel at an overseas port. Travellers are subject to normal outwards clearance procedures prior to embarkation on the vessel

4.3. Departure processing

It is recommended that travellers on an RTC travel with a valid travel document and valid Australian visa (for non-citizens) in case:

- they need to leave the vessel unexpectedly overseas (e.g. due to medical reasons or the vessel's mechanical failure) and return to Australia by air
- they are directed by an ABF officer to comply with section 166 of the Migration Act on return to Australia.

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As the ABF require the movements of RTC voyages, visa or passport issues can still be referred as appropriate through border system checks, demanding the surrender of Australian passports upon request from Department of Foreign Affairs and Trade, see *Procedural Instruction: Suspended Australian travel documents*.

For example a reportable offender embarking on a RTC intending to depart Australia will be taken to have attempted to leave Australia for the purposes of Division 271A of the *Criminal Code Act 1995*. For processes to stop these travellers from departing Australia see *Procedural Instruction: Detention of reportable child offenders at the border*.

Any travellers or crew intending to leave the vessel at an overseas port must be outward immigration cleared on departure.

4.4. Arrival processing

Travellers arriving in Australia who board an RTC vessel are not normally subject to immigration clearance requirements provided they are on the RTC manifest. However, arriving travellers remain subject to ABF and biosecurity entrance requirements and as such are required to complete an Incoming Passenger Card (IPC). The IPCs are collected by ABF officers and disposed of later.

Under section 169(1) of the Migration Act, travellers and crew can be directed by an ABF officer to comply with section 166 of the Migration Act immigration clearance requirements even though they are part of an RTC. See *Procedural Instruction: Immigration clearance for sea arrivals*.

Any travellers or crew who join the vessel at an overseas port (a “wayport joiner”) must be inward immigration cleared on arrival.

4.5. Wayport joiners and leavers

Travellers and crew who leave the vessel at an overseas port are required to undergo normal outwards immigration clearance procedures, see *Procedural Instruction: Immigration clearance for sea arrivals*.

The ABF officer will then create a departure movement in the Passenger Analysis Clearance Evaluation system (PACE), using the last port of call in Australia and date of departure of the vessel to create the movement.

Travellers and crew who join the vessel at an overseas port are placed on the inwards travellers manifest after their details are submitted through PACE, thereby creating an expected system movement. These travellers will not be subject to section 80 of the Migration Act and must therefore meet the immigration clearance requirements of section 166 of the Migration Act on arrival in Australia.

ABF officers will confirm the vessel’s arrival movement, collect the IPC and forward it to relevant area for processing.

Any referrals generated through PACE should be cleared by an authorised officer using normal traveller processing referral procedures, see *Procedural Instruction: Immigration clearance for sea arrivals*.

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5. Accountability and responsibilities

If ABF officers require clarification or assistance in regard to this instruction, they should contact the National Border Programme by email national.border.programme@abf.gov.au or telephone: 02 6160 5504 AEST.

The Superintendent, National Border Programme has responsibility for the preparation and dissemination of this Procedural Instruction in regards to operational policy and programme management of border clearance activities for air and sea travellers, under the Customs Act and Migration Act.

The Director, Traveller Policy Advice and Support section has responsibility for preparation and dissemination of the Policy Statement in relation to this Procedural Instruction.

6. Statement of Expectation

This Procedural Instruction under the PPCF sets out guidance and directions to workers on how to implement the Department's policy.

It is expected that all workers who are subject to this Procedural Instruction will have due regard to it and will only depart from it if:

- a) the departure is reasonable and justified in the circumstances;
- b) all risks have been considered; and
- c) approval has been sought and responsibility accepted for documenting the justification for the decision.

Workers are required to comply with all reasonable and lawful directions contained in this Procedural Instruction. Failure to comply with a direction may be considered a breach of the Australian Public Service Code of Conduct (for APS employees) or the *Professional Standards Secretary's Direction* under section 55 of the *Australian Border Force Act 2015* (for non-APS employees).

All records created as a result of this procedure must be managed in accordance with the Records Management Policy Statement. Records created as a result of this policy/procedure must be saved in TRIM RM8 or an approved business system.

7. Related Framework documents

This instruction must be read in conjunction with the following documents:

7.1. Policy Statement

[TT-2983] Border Clearance.

7.2. Procedural Instructions

[BC-536] Arrival, immigration clearance at airports and seaports.

[BC-2465] Suspended Australian travel documents.

[BC-671] Cruise Ship Processing: Round Trip Cruises.

[BC-672] Cruise Ship Processing: Direct international arrivals.

[BC-2841] Cruise Ship Processing: Intermediate voyages.

[BC-674] Cruise Ship Processing: Enroute clearance.

[BC-2829] Cruise Ship Processing: Traveller and crew.

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[TT-5223] Detention of reportable child offenders at the border (s.219ZJB Customs Act).

8. References and legislation

8.1. Migration Act 1958

This Act sets out the primary requirements relating to immigration clearance as follows:

- section 166 outlines the evidence that must be presented to a clearance officer or an authorised system upon entry to Australia
- section 80 outlines certain persons taken not to have left Australia.

9. Consultation

9.1. Internal consultation

The following internal stakeholders were consulted in the development of this Procedural Instruction:

- Integrity and Professional Standards Branch
- FOI Privacy and Records Management Branch, Records Management Section
- Traveller Policy Branch, Traveller Policy Advice and Support Section
- Strategic Border Command Division.

9.2. External consultation

No external consultation.

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10. Document details

BCS Category/Function	Trade and Traveller Clearance Management
BCS Sub-Category/Sub-Function	Passenger and Crew Processing
Period of Effect	Three years from date of original approval

10.1. Document change control

Version number	Date of issue	Author(s)	Brief description of change
1.0	29 May 17	Emma WEBSTER	Updated document into PI
1.1	11 Sept 17	Sebastian BARTOSZEWICZ	Cleared PPCF Quality Assurance
1.2	05 Dec 17	Pat DEVER	Updated with SBC feedback
1.3	13 Jan 18	Aimee KAMENZ	Reviewed for SES approval
1.4	11 May 18	Aimee KAMENZ	Converted to Home Affairs template and reviewed for SES approval
1.5	12 July 18	Paul ABERCROMBE	Updated with Legal comments and reviewed for SES approval

10.2. Approval

Approved by:	Don SMITH Commander ABF Governance
Approved on (date):	21 July 2018



Friday, 12 July 2019

Department of Immigration and Border Protection
 Border Security Policy Branch
 Seaport Policy Section
BY EMAIL:

**RE: ROUND TRIP STATUS
 NOVEMBER 2019 – APRIL 2020
 PRINCESS CRUISE LINES – RUBY PRINCESS**

Dear Seaport Policy Section,

We wish to apply for Round Trip Status for the above mentioned vessel; the updated itinerary for the ship brand is attached for your perusal.

Round Trip Status application is as per criteria under Section 80 of the Migration Act 1958, where each voyage covered during this period must depart Australia and return to Australia within 30 days and call at overseas port(s) for transit purposes only.

Cruises that do not fall within above criteria are listed as follows:

Australian Coastal Cruises

Passengers that join or leave vessel at an overseas port will not be covered by Round Trip Status and are to complete normal immigration requirements.

Please note that at the completion of disembarkation, the prior voyage will terminate and the new outbound voyage will begin. This is viewable on the itinerary file by the first column (A) where the voyage number is listed. The listed voyage number covers the outbound voyage.

We thank you for your kind attention and look forward to your reply.

Yours sincerely,

Alki Hatzigeorgiou
 Port Operations Manager

CC: Paul Mifsud
 Nadira Hassan

CARNIVAL
 CRUISE LINES

CUNARD

HOLLAND AMERICA LINE

P&O CRUISES

P&O CRUISES
 WORLD CRUISING

PRINCESS CRUISES

SEABOURN

RTC VOYAGE SUMMARY

Vessel	Ruby Princess (RU)				
VOYAGE NO	DEPARTURE DATE	DEPARTURE PORT	ARRIVAL DATE	ARRIVAL PORT	DESTINATION(S)
RU1942	8/11/2019	Sydney	22/11/2019	Sydney	New Caledonia, Vanuatu, Fiji
RU1943	22/11/2019	Sydney	5/12/2019	Sydney	New Zealand
RU1944	5/12/2019	Sydney	13/12/2019	Sydney	New Caledonia, Vanuatu
RU2002	13/01/2020	Sydney	27/01/2020	Sydney	New Caledonia, Vanuatu, Fiji
RU2003	27/01/2020	Sydney	8/02/2020	Sydney	New Zealand
RU2005	11/02/2020	Sydney	24/02/2020	Sydney	New Zealand
RU2006	24/02/2020	Sydney	8/03/2020	Sydney	New Zealand
RU2007	8/03/2020	Sydney	21/03/2020	Sydney	New Zealand
RU2008	21/03/2020	Sydney	1/04/2020	Sydney	New Caledonia, Vanuatu, Fiji

Ship	Arrival Date	Arrival Time	Depart Time	Depart	Port	Voyage Number	Sector Turn?	Voyage Status
Ruby Princess (RU)	24/09/2019	07:00	16:00	24/09/2019	Los Angeles, California	RU1939		International
Ruby Princess (RU)	29/09/2019	07:00	23:00	29/09/2019	Honolulu, Oahu	RU1939		
Ruby Princess (RU)	30/09/2019	08:00	17:00	30/09/2019	Nawiliwili, Kauai	RU1939		
Ruby Princess (RU)	6/10/2019	08:00	05:00	7/10/2019	Papeete, Tahiti, French Polynesia	RU1939		
Ruby Princess (RU)	7/10/2019	08:00	17:00	7/10/2019	Moorea, French Polynesia	RU1939		
Ruby Princess (RU)	10/10/2019	09:00	18:00	10/10/2019	Pago Pago, Tutuila	RU1939		
Ruby Princess (RU)	15/10/2019	07:00	18:00	15/10/2019	Auckland, New Zealand	RU1939		
Ruby Princess (RU)	16/10/2019	06:30	17:30	16/10/2019	Tauranga, New Zealand	RU1939		
Ruby Princess (RU)	18/10/2019	08:00	18:00	18/10/2019	Akaroa	RU1939		
Ruby Princess (RU)	19/10/2019	08:00	18:00	19/10/2019	Dunedin, New Zealand	RU1939		
Ruby Princess (RU)	20/10/2019	08:00	17:00	20/10/2019	Milford Sound, New Zealand	RU1939		
Ruby Princess (RU)	23/10/2019	06:00	18:45	23/10/2019	Sydney, Australia	RU1940		Domestic
Ruby Princess (RU)	26/10/2019	07:00	17:00	26/10/2019	Airlie Beach-WSY, Australia	RU1940		
Ruby Princess (RU)	27/10/2019	09:00	19:00	27/10/2019	Yorkey's Knob (Cairns)	RU1940		
Ruby Princess (RU)	28/10/2019	07:00	19:00	28/10/2019	Port Douglas, Australia	RU1940		
Ruby Princess (RU)	29/10/2019	10:00	11:00	29/10/2019	Willis Island	RU1940		
Ruby Princess (RU)	31/10/2019	08:00	18:00	31/10/2019	Brisbane, Australia	RU1940		
Ruby Princess (RU)	2/11/2019	06:00	18:45	2/11/2019	Sydney, Australia	RU1941		Domestic
Ruby Princess (RU)	4/11/2019	08:00	23:00	4/11/2019	Hobart, Tasmania	RU1941		
Ruby Princess (RU)	5/11/2019	07:00	17:00	5/11/2019	Port Arthur	RU1941		
Ruby Princess (RU)	8/11/2019	06:00	16:00	8/11/2019	Sydney, Australia	RU1942		RTC
Ruby Princess (RU)	11/11/2019	09:00	18:00	11/11/2019	Easo, Lifou	RU1942		
Ruby Princess (RU)	12/11/2019	08:00	18:00	12/11/2019	Port Vila	RU1942		
Ruby Princess (RU)	14/11/2019	07:00	18:00	14/11/2019	Dravuni Island	RU1942		
Ruby Princess (RU)	15/11/2019	08:00	18:00	15/11/2019	Suva, Viti Levu, Fiji Islands	RU1942		
Ruby Princess (RU)	16/11/2019	07:00	18:00	16/11/2019	Savusavu, Vanua Levi	RU1942		
Ruby Princess (RU)	17/11/2019	08:00	17:00	17/11/2019	Lautoka, Fiji	RU1942		
Ruby Princess (RU)	19/11/2019	08:00	18:00	19/11/2019	Noumea, New Caledonia	RU1942		
Ruby Princess (RU)	22/11/2019	06:00	18:45	22/11/2019	Sydney, Australia	RU1943		RTC
Ruby Princess (RU)	25/11/2019	07:00	16:00	25/11/2019	Milford Sound, New Zealand	RU1943		
Ruby Princess (RU)	26/11/2019	08:00	18:00	26/11/2019	Dunedin, New Zealand	RU1943		
Ruby Princess (RU)	27/11/2019	08:00	18:00	27/11/2019	Akaroa	RU1943		

Ruby Princess (RU)	28/11/2019 08:00	18:00	28/11/2019 Wellington	RU1943	
Ruby Princess (RU)	29/11/2019 07:00	14:00	29/11/2019 Napier, New Zealand	RU1943	
Ruby Princess (RU)	30/11/2019 07:00	18:30	30/11/2019 Tauranga, New Zealand	RU1943	
Ruby Princess (RU)	1/12/2019 07:00	18:00	1/12/2019 Auckland, New Zealand	RU1943	
Ruby Princess (RU)	2/12/2019 07:00	17:00	2/12/2019 Bay Of Islands, New Zealand	RU1943	
Ruby Princess (RU)	5/12/2019 06:00	18:45	5/12/2019 Sydney, Australia	RU1944	RTC
Ruby Princess (RU)	8/12/2019 08:00	18:00	8/12/2019 Noumea, New Caledonia	RU1944	
Ruby Princess (RU)	9/12/2019 08:00	18:00	9/12/2019 Mystery Island	RU1944	
Ruby Princess (RU)	10/12/2019 08:00	18:00	10/12/2019 Kuto, Île des Pins	RU1944	
Ruby Princess (RU)	13/12/2019 06:00	18:45	13/12/2019 Sydney, Australia	RU1945	International
Ruby Princess (RU)	15/12/2019 08:00	18:00	15/12/2019 Melbourne, Australia	RU1945	
Ruby Princess (RU)	17/12/2019 08:00	18:00	17/12/2019 Hobart, Tasmania	RU1945	
Ruby Princess (RU)	20/12/2019 07:00	16:00	20/12/2019 Milford Sound, New Zealand	RU1945	
Ruby Princess (RU)	21/12/2019 08:00	18:00	21/12/2019 Dunedin, New Zealand	RU1945	
Ruby Princess (RU)	22/12/2019 08:00	18:00	22/12/2019 Akaroa	RU1945	
Ruby Princess (RU)	23/12/2019 07:00	18:00	23/12/2019 Picton, New Zealand	RU1945	
Ruby Princess (RU)	24/12/2019 07:00	18:00	24/12/2019 Wellington	RU1945	
Ruby Princess (RU)	26/12/2019 09:30	20:30	26/12/2019 Tauranga, New Zealand	RU1945	
Ruby Princess (RU)	27/12/2019 07:30	18:00	27/12/2019 Auckland, New Zealand	RU1946	International
Ruby Princess (RU)	28/12/2019 08:00	18:00	28/12/2019 Bay Of Islands, New Zealand	RU1946	
Ruby Princess (RU)	30/12/2019 07:00	18:00	30/12/2019 Auckland, New Zealand	RU2001	International
Ruby Princess (RU)	31/12/2019 06:30	17:45	31/12/2019 Tauranga, New Zealand	RU2001	
Ruby Princess (RU)	2/01/2020 07:00	18:00	2/01/2020 Wellington	RU2001	
Ruby Princess (RU)	3/01/2020 07:00	18:00	3/01/2020 Picton, New Zealand	RU2001	
Ruby Princess (RU)	4/01/2020 08:00	18:00	4/01/2020 Akaroa	RU2001	
Ruby Princess (RU)	5/01/2020 08:00	18:00	5/01/2020 Dunedin, New Zealand	RU2001	
Ruby Princess (RU)	6/01/2020 08:00	17:00	6/01/2020 Milford Sound, New Zealand	RU2001	
Ruby Princess (RU)	9/01/2020 08:00	18:00	9/01/2020 Hobart, Tasmania	RU2001	
Ruby Princess (RU)	11/01/2020 08:00	18:00	11/01/2020 Melbourne, Australia	RU2001	
Ruby Princess (RU)	13/01/2020 06:00	18:45	13/01/2020 Sydney, Australia	RU2002	RTC
Ruby Princess (RU)	16/01/2020 08:00	18:00	16/01/2020 Noumea, New Caledonia	RU2002	
Ruby Princess (RU)	18/01/2020 08:00	17:00	18/01/2020 Lautoka, Fiji	RU2002	
Ruby Princess (RU)	19/01/2020 07:00	18:00	19/01/2020 Savusavu, Vanua Levi	RU2002	

Ruby Princess (RU)	20/01/2020 08:00	18:00	20/01/2020 Suva, Viti Levu, Fiji Islands	RU2002	
Ruby Princess (RU)	21/01/2020 07:00	18:00	21/01/2020 Dravuni Island	RU2002	
Ruby Princess (RU)	23/01/2020 08:00	18:00	23/01/2020 Port Vila	RU2002	
Ruby Princess (RU)	24/01/2020 07:00	15:00	24/01/2020 Easo, Lifou	RU2002	
Ruby Princess (RU)	27/01/2020 06:00	16:00	27/01/2020 Sydney, Australia	RU2003	RTC
Ruby Princess (RU)	30/01/2020 09:00	18:00	30/01/2020 Bay Of Islands, New Zealand	RU2003	
Ruby Princess (RU)	31/01/2020 07:30	18:15	31/01/2020 Tauranga, New Zealand	RU2003	
Ruby Princess (RU)	1/02/2020 12:00	19:00	1/02/2020 Napier, New Zealand	RU2003	
Ruby Princess (RU)	2/02/2020 08:00	18:00	2/02/2020 Wellington	RU2003	
Ruby Princess (RU)	3/02/2020 08:00	18:00	3/02/2020 Akaroa	RU2003	
Ruby Princess (RU)	4/02/2020 08:00	18:00	4/02/2020 Dunedin, New Zealand	RU2003	
Ruby Princess (RU)	5/02/2020 08:00	17:00	5/02/2020 Milford Sound, New Zealand	RU2003	
Ruby Princess (RU)	8/02/2020 06:00	18:45	8/02/2020 Sydney, Australia	RU2004	Domestic
Ruby Princess (RU)	11/02/2020 06:00	18:45	11/02/2020 Sydney, Australia	RU2005	RTC
Ruby Princess (RU)	14/02/2020 07:00	16:00	14/02/2020 Milford Sound, New Zealand	RU2005	
Ruby Princess (RU)	15/02/2020 08:00	18:00	15/02/2020 Dunedin, New Zealand	RU2005	
Ruby Princess (RU)	16/02/2020 08:00	18:00	16/02/2020 Akaroa	RU2005	
Ruby Princess (RU)	17/02/2020 08:00	18:00	17/02/2020 Wellington	RU2005	
Ruby Princess (RU)	18/02/2020 07:00	14:00	18/02/2020 Napier, New Zealand	RU2005	
Ruby Princess (RU)	19/02/2020 06:45	17:45	19/02/2020 Tauranga, New Zealand	RU2005	
Ruby Princess (RU)	20/02/2020 07:00	18:00	20/02/2020 Auckland, New Zealand	RU2005	
Ruby Princess (RU)	21/02/2020 07:00	17:00	21/02/2020 Bay Of Islands, New Zealand	RU2005	
Ruby Princess (RU)	24/02/2020 06:00	16:00	24/02/2020 Sydney, Australia	RU2006	RTC
Ruby Princess (RU)	27/02/2020 09:00	18:00	27/02/2020 Bay Of Islands, New Zealand	RU2006	
Ruby Princess (RU)	28/02/2020 07:00	18:00	28/02/2020 Auckland, New Zealand	RU2006	
Ruby Princess (RU)	29/02/2020 06:30	17:45	29/02/2020 Tauranga, New Zealand	RU2006	
Ruby Princess (RU)	1/03/2020 10:00	18:00	1/03/2020 Napier, New Zealand	RU2006	
Ruby Princess (RU)	2/03/2020 07:00	17:00	2/03/2020 Wellington	RU2006	
Ruby Princess (RU)	3/03/2020 08:00	18:00	3/03/2020 Akaroa	RU2006	
Ruby Princess (RU)	4/03/2020 08:00	18:00	4/03/2020 Dunedin, New Zealand	RU2006	
Ruby Princess (RU)	5/03/2020 08:00	17:00	5/03/2020 Milford Sound, New Zealand	RU2006	
Ruby Princess (RU)	8/03/2020 06:00	18:45	8/03/2020 Sydney, Australia	RU2007	RTC
Ruby Princess (RU)	11/03/2020 07:00	16:00	11/03/2020 Milford Sound, New Zealand	RU2007	

Ruby Princess (RU)	12/03/2020 08:00	18:00	12/03/2020 Dunedin, New Zealand	RU2007	
Ruby Princess (RU)	13/03/2020 08:00	18:00	13/03/2020 Akaroa	RU2007	
Ruby Princess (RU)	14/03/2020 08:00	18:00	14/03/2020 Wellington	RU2007	
Ruby Princess (RU)	15/03/2020 07:00	16:00	15/03/2020 Napier, New Zealand	RU2007	
Ruby Princess (RU)	16/03/2020 08:15	19:30	16/03/2020 Tauranga, New Zealand	RU2007	
Ruby Princess (RU)	17/03/2020 07:00	18:00	17/03/2020 Auckland, New Zealand	RU2007	
Ruby Princess (RU)	18/03/2020 07:00	17:00	18/03/2020 Bay Of Islands, New Zealand	RU2007	
Ruby Princess (RU)	21/03/2020 06:00	16:00	21/03/2020 Sydney, Australia	RU2008	RTC
Ruby Princess (RU)	24/03/2020 09:00	18:00	24/03/2020 Easo, Lifou	RU2008	
Ruby Princess (RU)	25/03/2020 08:00	18:00	25/03/2020 Port Vila	RU2008	
Ruby Princess (RU)	27/03/2020 07:00	18:00	27/03/2020 Dravuni Island	RU2008	
Ruby Princess (RU)	28/03/2020 08:00	18:00	28/03/2020 Suva, Viti Levu, Fiji Islands	RU2008	
Ruby Princess (RU)	29/03/2020 07:00	18:00	29/03/2020 Savusavu, Vanua Levi	RU2008	
Ruby Princess (RU)	30/03/2020 08:00	17:00	30/03/2020 Lautoka, Fiji	RU2008	
Ruby Princess (RU)	1/04/2020 08:00	18:00	1/04/2020 Noumea, New Caledonia	RU2008	
Ruby Princess (RU)	4/04/2020 06:00	18:45	4/04/2020 Sydney, Australia	RU2009	International
Ruby Princess (RU)	7/04/2020 08:00	17:00	7/04/2020 Milford Sound, New Zealand	RU2009	
Ruby Princess (RU)	8/04/2020 08:00	18:00	8/04/2020 Dunedin, New Zealand	RU2009	
Ruby Princess (RU)	9/04/2020 08:00	18:00	9/04/2020 Akaroa	RU2009	
Ruby Princess (RU)	11/04/2020 06:00	17:15	11/04/2020 Tauranga, New Zealand	RU2009	
Ruby Princess (RU)	12/04/2020 06:30	18:00	12/04/2020 Auckland, New Zealand	RU2009	
Ruby Princess (RU)	15/04/2020 08:00	16:00	15/04/2020 Pago Pago, Tutuila	RU2009	
Ruby Princess (RU)	18/04/2020 09:00	04:00	19/04/2020 Papeete, Tahiti, French Polynesia	RU2009	
Ruby Princess (RU)	19/04/2020 08:00	17:00	19/04/2020 Moorea, French Polynesia	RU2009	



04 September 2019

Alki Hatzigeorgiou
Ports Operations Manager
Carnival Australia
Level 5, 465 Victoria Avenue
Chatswood, NSW 2067

Dear Alki,

Determination Notice Number: VES 19/004

Request for Round Trip Cruise status

I refer to your email of 12th July 2019 requesting Round Trip Cruise (RTC) status for the **Ruby Princess** during the period November 2019-March 2020.

A delegate of the Secretary of the Department of Home Affairs (Home Affairs) has determined, under subsection 169(3) of the Migration Act 1958 (the Act), that travellers on the voyages listed in the approved RTC table (see page 2) will be exempt from the immigration clearance requirements of section 166 of the Act, provided those passengers and crew meet the requirements of section 80 of the Act.

In order for this to occur, you must advise all passengers undertaking an approved RTC voyage that, despite this exemption, passengers and crew must be able to comply with immigration clearance if directed to do so by a clearance officer upon arrival in Australia. This means all passengers and crew will require passports/identity documents and, other than Australian citizens, hold an Australian visa that is valid for the duration of the voyage.

You must advise the cruiseships@abf.gov.au inbox if there is any change to any voyage itinerary which was submitted in conjunction with the request for RTC status.

The exemption under subsection 169(3) is subject to section 80 of the Act. Passengers and crew will not be covered by the determination if they:

- leave the vessel at an overseas port (other than for transit purposes); or
- fail to return to Australia within 30 days of departure, or
- do not remain a passenger or member of the crew of that vessel while outside the migration zone.

RTC VOYAGE SUMMARY					
Vessel	Ruby Princess (RU)				
VOYAGE NO	DEPARTURE DATE	DEPARTURE PORT	ARRIVAL DATE	ARRIVAL PORT	DESTINATION(S)
RU1942	8/11/2019	Sydney	22/11/2019	Sydney	New Caledonia, Vanuatu, Fiji
RU1943	22/11/2019	Sydney	5/12/2019	Sydney	New Zealand
RU1944	5/12/2019	Sydney	13/12/2019	Sydney	New Caledonia, Vanuatu
RU2002	13/01/2020	Sydney	27/01/2020	Sydney	New Caledonia, Vanuatu, Fiji
RU2003	27/01/2020	Sydney	8/02/2020	Sydney	New Zealand
RU2005	11/02/2020	Sydney	24/02/2020	Sydney	New Zealand
RU2006	24/02/2020	Sydney	8/03/2020	Sydney	New Zealand
RU2007	8/03/2020	Sydney	21/03/2020	Sydney	New Zealand
RU2008	21/03/2020	Sydney	1/04/2020	Sydney	New Caledonia, Vanuatu, Fiji

Important information

The exemption under subsection 169(3) relates to immigration functions only. Functions carried out under other legislation, such as customs and quarantine, are assessed independently of this determination.

Way port leavers

Passengers and crew who intend leave the vessel at an overseas port other than for transit purposes ('way port leavers') are subject to usual immigration processing on departure from Australia.

Way port joiners

Passengers and crew who join a vessel at an overseas port ('way port joiners') are not covered by the exemption under subsection 169(3) and are subject to immigration clearance processing at the first port of arrival in Australia.

Way port joiners must also be reported via Advance Passenger Processing (APP). For this reason, operators of cruise ships that take on passengers and crew at overseas ports must ensure they (or their agent) have access to the Carrier Portal and are familiar with the process.

Revocation of RTC exemption determinations

An RTC determination may be revoked if the circumstances (e.g. itinerary) of the voyage changes. We will inform you if an RTC determination is revoked.

Contact details

For any urgent enquiries please call the Australian Border Operations Centre on +61 1300 368 126 and select option 3 from the menu (Seaports Entry Operations Centre (SEOC)).

Confirmation of this letter

Home Affairs requires you to confirm, via email to the @abf.gov.au inbox, that you have received this letter and that you have understood the conditions outlined in it.

– 3 –

Yours sincerely

Narrelle McPhail

RTC/ MTPC/ Major Event Coordination

Planning and Engagement | Strategic Coordination

Strategic Border Command | Australian Border Force

P: (02) [REDACTED] E: [REDACTED]@abf.gov.au

VES 19/004



Migration (VES 19/004: Class of Persons Taken Not to Enter Australia) Determination 2019

I, Sally Bower, Delegate of the Secretary of the Department of Home Affairs, acting under subsection 169(3) of the *Migration Act 1958* (the Act):

- (a) determine that despite subsection 169(2) of the Act, subsection 169(1) of the Act does apply to the class of persons who are passengers or crew on an international passenger cruise ship voyage specified for the corresponding vessel listed in the Schedules, other than *way port joiners*; and

Note: A *way port joiner* means a passenger or crew member who join an international passenger cruise ship voyage at an overseas port.

- (b) according to subsection 33(3) of the Acts Interpretation Act 1901, the following instruments are revoked:
 - (i) all VES instruments made in 2015;
 - (ii) all VES instruments made in 2016;
 - (iii) all instruments made in 2017;
 - (iv) VES 18/001;
 - (v) VES 18/002;
 - (vi) VES 18/003;
 - (vii) VES 18/004;
 - (viii) VES 18/005;
 - (ix) VES 18/006;
 - (x) VES 18/008;
 - (xi) VES 19/001.

This instrument commences on the day after signature.

Dated: 4 September 2019

Sally Bower
 Executive Level Two, ABF Governance and Major Events Section
 Strategic Border Command
 Delegate of the Secretary of the Department of Home Affairs

VES 19/004

SCHEDULE 1 – The vessel ‘Pacific Explorer’ – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
PX1951N	7 October 2019	Sydney, Australia	17 October 2019	Sydney, Australia	New Caledonia, Vanuatu
PX1952	17 October 2019	Sydney, Australia	2 November 2019	Sydney, Australia	New Caledonia; Niue; Fiji & Tonga
PX1961	25 November 2019	Sydney, Australia	5 December 2019	Sydney, Australia	New Caledonia, Vanuatu
PX1965	17 December 2019	Sydney, Australia	27 December 2019	Sydney, Australia	New Caledonia, Vanuatu
PX2001	30 December 2019	Sydney, Australia	8 January 2020	Sydney, Australia	New Caledonia, Vanuatu
PX2002	8 January 2020	Sydney, Australia	16 January 2020	Sydney, Australia	New Caledonia, Vanuatu
PX2016	14 April 2020	Sydney, Australia	24 April 2020	Sydney, Australia	New Caledonia, Vanuatu
PX2023	22 May 2020	Sydney, Australia	5 June 2020	Sydney, Australia	New Caledonia, Vanuatu & Fiji
PX2025	8 June 2020	Sydney, Australia	18 June 2020	Sydney, Australia	New Caledonia, Vanuatu
PX2028	28 June 2020	Sydney, Australia	6 July 2020	Sydney, Australia	New Caledonia, Vanuatu
PX2029	6 July 2020	Sydney, Australia	15 July 2020	Sydney, Australia	New Caledonia, Vanuatu
PX2031	19 July 2020	Sydney, Australia	31 July 2020	Sydney, Australia	New Caledonia, Vanuatu & Fiji
PX2033	3 August 2020	Sydney, Australia	11 August 2020	Sydney, Australia	New Caledonia, Vanuatu
PX2038	7 September 2020	Sydney, Australia	17 September 2020	Sydney, Australia	New Caledonia, Vanuatu

VES 19/004

SCHEDULE 2 – The vessel ‘Pacific Aria’ (PR) – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
PR1941P	6 October 2019	Brisbane, Australia	18 October 2019	Brisbane, Australia	New Caledonia, Vanuatu & Fiji
PR1942N	18 October 2019	Brisbane, Australia	25 October 2019	Brisbane, Australia	New Caledonia, Vanuatu
PR1944N	1 November 2019	Brisbane, Australia	8 November 2019	Brisbane, Australia	New Caledonia, Vanuatu
PR1945N	8 November 2019	Brisbane, Australia	15 November 2019	Brisbane, Australia	New Caledonia, Vanuatu
PR1951N	16 December 2019	Brisbane, Australia	28 December 2019	Brisbane, Australia	New Caledonia, Vanuatu & Fiji
PR2001N	28 December 2019	Brisbane, Australia	6 January 2020	Brisbane, Australia	New Caledonia, Vanuatu
PR2004N	17 January 2020	Brisbane, Australia	24 January 2020	Brisbane, Australia	New Caledonia, Vanuatu

SCHEDULE 3 – The vessel ‘Carnival Spirit’ – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
S939	6 October 2019	Sydney, Australia	14 October 2019	Sydney, Australia	New Caledonia
S940	14 October 2019	Sydney, Australia	21 October 2019	Sydney, Australia	New Caledonia
S941	21 October 2019	Sydney, Australia	31 October 2019	Sydney, Australia	Vanuatu, New Caledonia
S944	9 November 2019	Sydney, Australia	21 November 2019	Sydney, Australia	New Caledonia, Vanuatu & Fiji
S946	25 November 2019	Sydney, Australia	6 December 2019	Sydney, Australia	New Caledonia, Vanuatu
S948	9 December 2019	Sydney, Australia	18 December 2019	Sydney, Australia	New Caledonia
S949	18 December 2019	Sydney, Australia	30 December 2019	Sydney, Australia	New Caledonia, Fiji & Vanuatu
S001	30 December 2019	Sydney, Australia	9 January 2020	Sydney, Australia	New Caledonia, Vanuatu
S004	14 January 2020	Melbourne, Australia	24 January 2020	Melbourne, Australia	New Zealand
S006	27 January 2020	Melbourne, Australia	7 February 2020	Melbourne, Australia	New Caledonia
S008	10 February 2020	Melbourne, Australia	22 February 2020	Melbourne, Australia	New Caledonia, Vanuatu
S011	2 March 2020	Melbourne, Australia	14 March 2020	Melbourne, Australia	New Zealand
S013N	16 March 2020	Sydney, Australia	24 March 2020	Melbourne, Australia	New Caledonia

VES 19/004

SCHEDULE 4 – The vessel ‘Golden Princess’ (NP) – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
NP1938	3 November 2019	Melbourne, Australia	17 November 2019	Melbourne, Australia	New Caledonia, Vanuatu & Fiji
NP2003	10 January 2020	Melbourne, Australia	23 January 2020	Melbourne, Australia	New Zealand
NP2005	30 January 2020	Melbourne, Australia	12 February 2020	Melbourne, Australia	New Zealand
NP2006	12 February 2020	Melbourne, Australia	25 February 2020	Melbourne, Australia	New Zealand
NP2007	25 February 2020	Melbourne, Australia	10 March 2020	Melbourne, Australia	New Caledonia, Vanuatu & Fiji
NP2008	10 March 2020	Melbourne, Australia	23 March 2020	Melbourne, Australia	New Zealand

SCHEDULE 5 – The vessel ‘Pacific Dawn’ (PD) – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
PD1952	12 October 2019	Brisbane, Australia	19 October 2019	Brisbane, Australia	New Caledonia, Vanuatu
PD1955	26 October 2019	Brisbane, Australia	2 November 2019	Brisbane, Australia	New Caledonia, Vanuatu
PD1960	23 November 2019	Brisbane, Australia	30 November 2019	Brisbane, Australia	New Caledonia, Vanuatu
PD1965	17 December 2019	Brisbane, Australia	27 December 2019	Brisbane, Australia	New Caledonia, Vanuatu
PD2001	30 December 2019	Brisbane, Australia	7 January 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2004	18 January 2020	Brisbane, Australia	25 January 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2005	25 January 2020	Brisbane, Australia	1 February 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2014	7 March 2020	Brisbane, Australia	14 March 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2018	28 March 2020	Brisbane, Australia	4 April 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2020	11 April 2020	Brisbane, Australia	18 April 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2027	18 May 2020	Brisbane, Australia	30 May 2020	Brisbane, Australia	New Caledonia, Vanuatu & Fiji
PD2028	30 May 2020	Brisbane, Australia	6 June 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2033	27 June 2020	Brisbane, Australia	4 July 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2034	4 July 2020	Brisbane, Australia	11 July 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2037	18 July 2020	Brisbane, Australia	1 August 2020	Brisbane, Australia	New Caledonia, Vanuatu, Tonga
PD2041	15 August 2020	Brisbane, Australia	22 August 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2044	5 September 2020	Brisbane, Australia	12 September 2020	Brisbane, Australia	New Caledonia, Vanuatu
PD2047	19 September 2020	Brisbane, Australia	26 September 2020	Brisbane, Australia	New Caledonia, Vanuatu

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SCHEDULE 6 – The vessel ‘Ruby Princess’ (RU) – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
RU1942	8 November 2019	Sydney, Australia	22 November 2019	Sydney, Australia	New Caledonia, Vanuatu & Fiji
RU1943	22 November 2019	Sydney, Australia	5 December 2019	Sydney, Australia	New Zealand
RU1944	5 December 2019	Sydney, Australia	13 December 2019	Sydney, Australia	New Caledonia, Vanuatu
RU2002	13 January 2020	Sydney, Australia	27 January 2020	Sydney, Australia	New Caledonia, Vanuatu & Fiji
RU2003	27 January 2020	Sydney, Australia	8 February 2020	Sydney, Australia	New Zealand
RU2005	11 February 2020	Sydney, Australia	24 February 2020	Sydney, Australia	New Zealand
RU2006	24 February 2020	Sydney, Australia	8 March 2020	Sydney, Australia	New Zealand
RU2007	8 March 2020	Sydney, Australia	21 March 2020	Sydney, Australia	New Zealand
RU2008	21 March 2020	Sydney, Australia	1 April 2020	Sydney, Australia	New Caledonia, Vanuatu & Fiji

VES 19/004

SCHEDULE 7 – The vessel ‘Sea Princess’ (CP) – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
CP1918	3 November 2019	Brisbane, Australia	17 November 2019	Brisbane, Australia	New Zealand
CP1920	24 November 2019	Brisbane, Australia	8 December 2019	Brisbane, Australia	New Zealand
CP1922	19 December 2019	Brisbane, Australia	29 December 2019	Brisbane, Australia	New Caledonia, Vanuatu
CP2001	29 December 2019	Brisbane, Australia	12 January 2020	Brisbane, Australia	New Zealand
CP2004	2 February 2020	Brisbane, Australia	16 February 2020	Brisbane, Australia	New Zealand
CP2006	23 February 2020	Brisbane, Australia	8 March 2020	Brisbane, Australia	New Zealand

VES 19/004

SCHEDULE 8 – The vessel ‘Carnival Splendor’ – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
D947	11 December 2019	Sydney, Australia	19 December 2019	Sydney, Australia	New Caledonia
D948	19 December 2019	Sydney, Australia	28 December 2019	Sydney, Australia	New Caledonia
D001	28 December 2019	Sydney, Australia	6 January 2020	Sydney, Australia	New Caledonia
D002	6 January 2020	Sydney, Australia	16 January 2020	Sydney, Australia	New Caledonia, Vanuatu
D004	20 January 2020	Sydney, Australia	28 January 2020	Sydney, Australia	New Caledonia
D005	28 January 2020	Sydney, Australia	6 February 2020	Sydney, Australia	New Caledonia, Vanuatu
D007	10 February 2020	Sydney, Australia	18 February 2020	Sydney, Australia	New Caledonia
D009	23 February 2020	Sydney, Australia	1 March 2020	Sydney, Australia	New Caledonia
D010	1 March 2020	Sydney, Australia	11 March 2020	Sydney, Australia	New Caledonia, Vanuatu
D011	11 March 2020	Sydney, Australia	19 March 2020	Sydney, Australia	New Caledonia
D013	22 March 2020	Sydney, Australia	3 April 2020	Sydney, Australia	New Caledonia, Vanuatu & Fiji
D014	3 April 2020	Sydney, Australia	10 April 2020	Sydney, Australia	New Caledonia
D016	13 April 2020	Sydney, Australia	24 April 2020	Sydney, Australia	New Caledonia, Vanuatu
D018	27 April 2020	Sydney, Australia	7 May 2020	Sydney, Australia	New Caledonia, Vanuatu
D020	11 May 2020	Sydney, Australia	20 May 2020	Sydney, Australia	New Caledonia
D021	20 May 2020	Sydney, Australia	28 May 2020	Sydney, Australia	New Caledonia
D022	28 May 2020	Sydney, Australia	5 June 2020	Sydney, Australia	New Caledonia
D024	9 June 2020	Sydney, Australia	19 June 2020	Sydney, Australia	New Caledonia, Vanuatu
D026	22 June 2020	Sydney, Australia	3 July 2020	Sydney, Australia	New Caledonia, Vanuatu
D027	3 July 2020	Sydney, Australia	11 July 2020	Sydney, Australia	New Caledonia

Migration (VES 19/004: Class of Persons Taken Not to Enter Australia) Determination 2019

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Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
D028	11 July 2020	Sydney, Australia	20 July 2020	Sydney, Australia	New Caledonia
D030	30 July 2020	Sydney, Australia	7 August 2020	Sydney, Australia	New Caledonia
D032	10 August 2020	Sydney, Australia	18 August 2020	Sydney, Australia	New Caledonia
D033	18 August 2020	Sydney, Australia	28 August 2020	Sydney, Australia	New Caledonia, Vanuatu
D035	31 August 2020	Sydney, Australia	8 September 2020	Sydney, Australia	New Caledonia
D037	17 September 2020	Sydney, Australia	25 September 2020	Sydney, Australia	New Caledonia
D039	29 September 2020	Sydney, Australia	9 October 2020	Sydney, Australia	New Caledonia, Vanuatu

VES 19/004

SCHEDULE 9 – The vessel ‘Noordam’ (NO) – voyages

Voyage Number	Expected Departure Date	Expected Departure Port	Expected Arrival Date	Expected Arrival Port	Expected Destination(s)
NO200104	4 January 2020	Sydney, Australia	18 January 2020	Sydney, Australia	New Zealand
NO200402	2 April 2020	Eden, Australia	15 April 2020	Sydney, Australia	New Zealand
		Sydney, Australia	16 April 2020		



Australian Government Solicitor

**Further supplementary voluntary submission to
the Special Commission of Inquiry into the
Ruby Princess**

**Commonwealth of Australia (represented by the
Department of Health, the Department of Home
Affairs and the Department of Agriculture,
Water and the Environment)**

3 August 2020

The Australian Government Solicitor
Level 42 MLC Centre
19 Martin Place
Sydney NSW 2000

Contact: Simon Daley, Chief Solicitor

File ref: 20203214

Further supplementary submission

1. The Commonwealth has provided to the Commission a voluntary statement dated 12 June 2020 (Statement), a voluntary submission dated 16 July 2020 (Submission), and a supplementary voluntary submission dated 31 July 2020.
2. On 31 July 2020, the Commission wrote to the Commonwealth by email as follows:

The Commissioner notes the media reports that have emerged in the last 24 hours concerning the role of the ABF in relation to the arrival and disembarkation of the Ruby Princess in Sydney on 19 March 2020. In light of same, the Commissioner invites the Commonwealth to make a supplementary submission to the Commission addressing the issues canvassed in those reports, whilst also noting that he is not necessarily of the view that any such further submission is required.
3. This further supplementary submission is provided voluntarily in response to that invitation. It has been prepared by the Australian Government Solicitor and adopts the abbreviations used in, and should be read together with, the Statement and the Submission.
4. The Commonwealth is aware of media reporting which occurred shortly before, and continued after, the Commission's email of 31 July 2020, concerning the topics there mentioned. The tenor of at least some of the reporting is to the effect that passengers were allowed off the Ruby Princess after the ABF mistook negative flu tests for coronavirus test results. To the extent that the reporting suggests that ABF officers were responsible for making a decision to allow passengers to disembark and did so on the basis of misinterpreted test results, that inference should be rejected by the Commission. In this respect, the Commonwealth makes two short submissions.
5. First, the ABF officer the subject of the reporting provided immigration and customs clearance in respect of the vessel, not biosecurity clearance. None of the ABF officers carrying out duties at the Port of Sydney were appointed as 'biosecurity officers' for the purposes of the Biosecurity Act: Statement, [15]. Accordingly, none of the ABF officers in attendance at the arrival of the Ruby Princess on 19 March 2020 had statutory or administrative responsibility for the granting of pratique, or in relation to any other biosecurity clearance functions, under that Act: see, eg, Statement, [13].¹ The clearance to disembark requested of and provided by the relevant ABF officer to a member of the Ruby Princess crew was given after the conclusion of the ABF's customs and immigration checks (see Statement, [158]) and was clearance provided only in relation to functions performed under the Migration Act and Customs Act, as generally outlined in the Statement at [60]-[62] and [157]-[158].
6. Second, contrary to the tenor of some of the reporting, information about test results was not provided to ABF until *after* the conclusion of its 'customs and immigrations checks' (see Statement, [158]) and *after* the Ruby Princess commenced disembarking passengers: see Statement, [158], [162]; cf at [172]-[173].

¹ This was specifically noted in the Statement at [173] in respect of the relevant officer.

7. The Commonwealth accepted in the Statement at [173] that the ABF officer the subject of the reporting appears to have misinterpreted the test results emailed to him by Carnival's port agent. However, this misinterpretation had no bearing on passengers being permitted to disembark or the granting of pratique as the ABF officer had no biosecurity role to play in those matters and the provision of the information about the test results did not occur until after passengers commenced disembarking.