EMERGENCY MANAGEMENT ACT 2005 (WA)

Sections 67, 70 and 72A

RETURNING STUDENTS DIRECTIONS (NO 2)

The World Health Organization declared COVID-19 a pandemic on 11 March 2020.

On 15 March 2020, the Minister for Emergency Services declared a state of emergency with effect from 12 am on 16 March 2020 in respect of the pandemic caused by COVID-19 pursuant to section 56 of the *Emergency Management Act 2005* (WA) (**Act**). The state of emergency applies to the State of Western Australia.

I, Gary Elmars Dreibergs, Acting Commissioner of Police and State Emergency Coordinator, give the following direction pursuant to my powers under sections 67, 70 and 72A of the Act.

PREAMBLE

1. These directions set out the requirements that apply to **returning students** and are for the purpose of preventing the importation of COVID-19 into Western Australia and otherwise limiting the spread of COVID-19 into Western Australia.

CITATION

2. These directions may be referred to as the **Returning Student Directions (No 2)**.

COMMENCEMENT

3. These directions come into effect at the time of signing.

REVOCATION AND CONTINUING OBLIGATIONS

4. The Returning Student Directions (**revoked directions**) are revoked.

5. Despite paragraph 4, if a person **entered** Western Australia before the commencement of these directions, the person must continue to comply with any requirement which still applied to them under the revoked directions immediately before they were revoked to the same extent that the person would if the revoked directions had not been revoked, and, for the avoidance of doubt, if the person fails to comply with a

requirement that applied to them under the revoked directions, the person may commit an offence under the Act.

DIRECTIONS

Entry requirements applicable to returning students

6. Despite paragraphs 4A and 4B of the Controlled Border for Western Australia Directions, a returning student who enters Western Australia pursuant to these directions must comply with:

   (a) these directions and not the **outbreak directions**, unless otherwise specified in these directions; and

   (b) paragraph 4 and 5 of the Controlled Border for Western Australia Directions.

7. A returning student may only **enter** Western Australia pursuant to these directions if the returning student:

   (a) has had administered to them a **full course** of an **approved COVID-19 vaccine** and produces **accepted proof of vaccination** to a **relevant officer** on request; or

   (b) is **vaccine ineligible** and produces evidence of this to the satisfaction of a relevant officer on request; or

   (c) is **vaccine exempt** and produces **accepted proof of vaccination exemption** to a relevant officer on request; and

   (d) has access to **suitable premises** which are located within 200 kilometres of their point of entry into Western Australia unless otherwise approved by me or a person authorised by me for that purpose and the returning student must comply with any terms or conditions to which that approval is subject; and

   (e) has, unless the person is an **exempt child**, downloaded the **G2G Now app** to a **suitable device** which will be accessible to that returning student at all times while they remain subject to a quarantine requirement; or

   (f) is approved by me or a person authorised by me for that purpose notwithstanding that the person does not meet one or more of the additional requirements in this paragraph 5, and complies with any terms or conditions to which that approval is subject.

Quarantine requirements applicable to a returning student

8. Notwithstanding any provision to the contrary in the outbreak directions, and subject to paragraph 9, a returning student must comply with the **self-quarantine requirements**.

9. If a returning student is a **child**, the **parent** or parents who travelled with the child or into whose care the child is released must, unless otherwise directed, comply with the **children requirements**, as if the returning student is a child who falls within paragraph 6 of the Controlled Border for Western Australia directions, after the parent or parents enter Western Australia or take the child into their care, and not with the self-quarantine requirements.

10. For the avoidance of doubt, nothing in these directions affects the operation of the Isolation (Diagnosed) Directions (No 2) or the Quarantine (Undiagnosed) Directions (***relevant directions***), and in the event of any inconsistency between the relevant directions and these directions, the relevant directions prevail.

Presentation for testing requirements applicable to a returning student

11. Notwithstanding any provision to the contrary in:

    (a) the Presentation for Testing Directions (No 38); or

    (b) the outbreak directions,

    a returning student:

    (c) is not required to comply with the airport presentation requirement, and

    (d) is required to comply with the:

        (i) **24 hour presentation requirement**; and

        (ii) **12th day presentation requirement**.

G2G Now app

12. A returning student must, unless the person is an exempt child, at all times while such person is subject to the quarantine requirement in paragraph 8 above:

    (a) do all things necessary to ensure that the G2G Now app may be used through their suitable device, including but not limited to:

        (i) enabling camera access for the G2G Now app; and

(ii) enabling push notifications for the G2G Now app; and

(iii) enabling location services for the G2G Now app; and

(b) have read the **terms of use**; and

(c) remain in close proximity to the suitable device; and

(d) monitor their suitable device for messages or instructions received from the G2G Now app; and

(e) promptly respond to any message received from the G2G Now app in a manner consistent with that message, and comply with any instructions received from the G2G Now app; and

(f) subject to paragraph 13, use the G2G Now app in accordance with the terms of use.

13. Notwithstanding anything to the contrary in the terms of use:

(a) use of the G2G Now app by returning students is mandatory during the period of any quarantine requirement and not voluntary; and

(b) any request to provide consent that is built into the terms of use should not be read as a request to provide consent but instead as a request to read the terms of use, and any confirmation provided by a returning student will take effect not as a consent but as an acknowledgment that the person has read the terms of use.

General requirements applicable to a returning student

14. Despite paragraphs 4A and 4B of the Controlled Border for Western Australia Directions, a returning student must comply with paragraph 5A of the Controlled Border for Western Australia Directions.

15. A returning student who enters Western Australia pursuant to these directions must also comply with any other direction given to them by an **authorised officer**.

Requirements in relation to exposed household contacts

16. If a returning student resides or intends to reside in suitable premises at which there is, or will be, an exposed household contact, the returning student must notify the WA Police Force by calling the 13 COVID (13 268 43) hotline at the earliest practicable

time, providing the following information in relation to each person who is or will be an exposed household contact:

(a) full name; and

(b) date of birth; and

(c) telephone number; and

(d) email address; and

(e) address of suitable premises.

17. If a returning student who is subject to a quarantine requirement resides in suitable premises at which any other person is also residing, the other person (**A**) becomes an **exposed household contact** for the purposes of these directions from the time the returning student and A are first in or at the suitable premises at the same time.

18. An exposed household contact must, unless otherwise directed by me or a person authorised by me for that purpose:

(a) comply with paragraphs 12 and 13 as if the exposed household contact is a returning student, provided that the obligation to download the G2G Now app arises at the time the person becomes an exposed household contact; and

(b) in a case where they are sharing suitable premises with a returning student, comply with:

(i) the self-quarantine requirements; or

(ii) if the exposed household contact is a person responsible for the care of a child residing at the suitable premises, the children requirements,

for the **exposed household contact quarantine period**, save for any requirements relating to how a person must travel to suitable premises or what a person must do while travelling to suitable premises; and

(c) comply with the 12th day presentation requirement and, if the exposed household contact is subject to the children requirements, ensure any child in connection with whom the exposed household contact is required to comply with the children requirements complies with the 12th day presentation requirement; and

(d) unless the person has evidence that such notice has already been given, as soon as practicable after becoming an exposed household contact, notify the WA Police Force by calling the 13 COVID (13 268 43) hotline that the person is an exposed household contact, providing the following details:

(i) full name; and

(ii) date of birth; and

(iii) telephone number; and

(iv) email address; and

(v) address of suitable premises.

AUTHORISATION

19. Any **police officer** acting at or above the rank of Senior Sergeant is authorised to give approval to a person or category of persons under paragraphs 5(f) of these directions, including any terms or conditions to which that approval, authorisation, direction or exemption is subject.

INTERPRETATION

20. Unless specified otherwise, any reference in these directions to any other direction made by the State Emergency Coordinator is deemed to be a reference to that direction as amended or replaced from time to time.

DEFINITIONS

21. **12th day presentation requirement** has the same meaning that it has in the Presentation for Testing Directions (No 38).

22. **24 hour presentation requirement** has the same meaning that it has in the Presentation for Testing Directions (No 38).

23. **Accepted proof of vaccination** has the same meaning that it has in the Controlled Border for Western Australia Directions.

24. **Accepted proof of vaccination exemption** has the same meaning that it has in the Controlled Border for Western Australia Directions.

25. **Approved COVID-19 vaccine** has the same meaning that it has in the Controlled Border for Western Australia Directions.

26. **Authorised officer** has the same meaning that it has in the Act.

27. **Child** has the same meaning that it has in the Controlled Border for Western Australia Directions.

28. **Children requirements** has the same meaning that it has in the Controlled Border for Western Australia Directions.

29. **Enter** has the same meaning that it has in the Controlled Border for Western Australia Directions, and **enters** has a corresponding meaning.

30. **Exempt child** means a person who:

    (a) is under the age of 16 at the time they enter Western Australia; and

    (b) will remain under the supervision of a parent or guardian at all times while they remain subject to a quarantine requirement under these directions.

31. **Exposed household contact** means any person who becomes an exposed household contact pursuant to paragraph 17.

32. **Exposed household contact quarantine period** means the period**:**

    (a) commencing when the affected arrival and exposed household contact are first in or at suitable premises at the same time; and

    (b) ending 14 days after the day on which the affected arrival first became subject to any quarantine requirement under these directions.

33. **Full course** has the same meaning that it has in the Controlled Border for Western Australia Directions.

34. **G2G Now app** has the same meaning that it has in the Controlled Border for Western Australia Directions.

35. **Indirect international arrival** has the same meaning that it has in the Controlled Border for Western Australia Directions.

36. **Parent**, in relation to a child, includes a guardian or person with parental responsibility for the child.

37. **Police Officer** means a person appointed under Part I of the *Police Act 1892* (WA).

38. **Outbreak directions** means the Outbreak Outside of Western Australia Response Directions (No 20).

39. **Relevant officer** has the same meaning that it has in the Controlled Border for Western Australia Directions.

40. **Returning student** means a person, other than an **indirect international arrival**, who is:

(a) enrolled as a student of a primary school, secondary school, a university or college of technical or further education in Western Australia, and who enters Western Australia in order to attend that school, university or college; and

(b) a member of the family of a person falling within paragraph (a).

41. **Self-quarantine requirements** has the same meaning that it has in the Controlled Border for Western Australia Directions.

42. **Suitable device** has the same meaning that it has in the Controlled Border for Western Australia Directions.

43. **Suitable premises** has the same meaning that it has in the Controlled Border for Western Australia Directions.

44. **Terms of use** has the same meaning that it has in the outbreak directions.

45. **Vaccine exempt** has the same meaning that it has in the Controlled Border for Western Australia Directions.

46. **Vaccine ineligible** has the same meaning that it has in the Controlled Border for Western Australia Directions.

PENALTIES

It may be an offence not to comply with any of these directions, punishable by imprisonment for up to 12 months or a fine of up to $50,000 for an individual or $250,000 for a body corporate.

.....

Gary Elmars Dreibergs
Acting Commissioner of Police and State Emergency Coordinator

25 January 2022 1530 hours