

DIRECTIONS WHILE DECLARATION OF EMERGENCY DATED 21 DECEMBER 2020 IS IN FORCE

Sections 157(1A), 263, 264 and 268(4) of the *Corrective Services Act 2006*

On 21 December 2020, Peter Martin APM, Commissioner, Queensland Corrective Services (**QCS**), with the approval of the Minister for Police and Minister for Corrective Services, declared that an emergency exists in relation to all corrective services facilities for the period commencing on 1 January 2021 and expiring at 11:59pm on 31 March 2021 (the **Declaration**).

The Declaration was made following extensive consultation with the Chief Health Officer, Queensland Health and the State Health Emergency Coordination Centre who believed it was necessary to make the Declaration to assist in containing, or to respond to, the spread of COVID-19 within corrective services facilities and the wider community.

On 12 February 2021 I made a decision, in my capacity as Acting Commissioner of QCS, pursuant to section 157(1A) of the *Corrective Services Act 2006* (**CSA**) to suspend all visitor access approvals for any personal visitor to a corrective services facility who had been in a **Victorian Area** on or since 29 January 2021 (**the 12 February Suspension Decision**).

On 15 February 2021, Queensland Health amended the identified start date (being the date the risk of COVID-19 transmission started) for the declared **Victorian Areas** from 29 January 2021 to 7 February 2021 (**the Start Date**). On 20 February 2021, the Chief Health Officer amended her directions relating to Hospital Visitors, Disability Services Accommodation and Residential Aged Care Facilities to provide that a proposed visitor who had been in a Victorian Area on or since the Start Date could not enter the relevant facility.

In light of the announcement by Queensland Health and the current measures being taken by the Queensland Government to reduce the risk of transmission of COVID-19, and following consultation with Queensland Health and the State Health Emergency Coordination Centre, and in recognition of the fact that the safety and welfare of prisoners and staff are paramount considerations for QCS, I direct as follows:

1. the 12 February Suspension Decision is amended so that it will only apply to any personal visitor to a corrective services facility who has been in a **Victorian Area** on or since the Start Date (**the Amended 12 February Suspension Decision**);
2. the Amended 12 February Suspension Decision will remain in place until further notice, for a period of up to one year from 12 February 2021;
3. in addition to the Amended 12 February Suspension Decision, and under section 263(2) and section 268(4) of the CS Act, any other person who has been in a **Victoria Area** on or since the Start Date, must not enter a corrective services facility unless they have been expressly authorised to do so in writing by me;
4. any Staff Member who was in a Victorian Area on or since the Start Date must:
 - a. immediately inform their direct supervisor in writing and not attend at their place of work (whether that place is a corrective services facility or otherwise);
 - b. undergo a test for COVID-19; and
 - c. comply with all directions given by their direct supervisor and Queensland Health in relation to their COVID-19 test and any self-isolation or quarantine requirements;

5. the wearing of face masks as approved personal protective equipment is mandatory for all Staff Members and visitors to any corrective services facility or the Escort and Security Branch (**ESB**) in circumstances where social distancing is not possible, including when transporting a prisoner outside of a corrective services facility, or otherwise as directed by Queensland Health personnel;
6. the wearing of face masks as approved personal protective equipment is mandatory for all prisoners who have COVID-19 symptoms, as determined by Queensland Health personnel, when they are required to leave their cells including whilst being transported outside a corrective services facility by the ESB;
7. the following QCS policies will apply to all corrective services facilities:
 - a. 'Managing new admission reception prisoners and COVID-19 isolation';
 - b. 'Managing Employee Health Risks to COVID-19'; and
 - c. 'Managing Vulnerable Prisoners';
8. for the purposes of these directions:
 - a. **Staff Member** has the meaning given in the CS Act;
 - b. a reference to a **Victorian Area** includes the following Local Government Areas: Banyule City, Bayside City, Boroondara City, Brimbank City, Cardinia Shire, Casey City, Darebin City, Frankston City, Glen Eira City, Greater Dandenong City, Greater Geelong City, Hobsons Bay City, Hume City, Kingston City, Knox City, Macedon Ranges Shire, Manningham City, Maribyrnong City, Maroondah City, Melbourne City, Melton City, Mitchell Shire, Monash City, Moonee Valley City, Moorabool Shire, Moreland City, Mornington Peninsula Shire, Murrundindi Shire, Nillumbik Shire, Port Phillip City, Stonnington City, Whitehorse City, Whittlesea City, Wyndham City, Yarra City and Yarra Ranges Shire;

These directions are made pursuant to sections 263(2), 264 and 268(4) of CS Act. They have been made in consultation with Queensland Health, the Chief Health Officer and the State Health Emergency Coordination Centre and in accordance with the approach taken by the Queensland Government to prevent the transmission of COVID-19.

Given the high risks to a vulnerable prison population if COVID-19 were to enter a corrective services facility, and the medical advice received, I consider that any impact on the human rights of prisoners, staff, family members or any other person as a result of these directions is demonstrably justifiable.

These directions will take effect immediately upon signing, revoking and replacing the previous directions made by me pursuant to sections 263(2) and 268(4) of the CS Act on 12 February 2021. These directions will remain in place until revoked or replaced by me.



Paul Stewart APM

Acting Commissioner, Queensland Corrective Services

22 February 2021