

DECLARATION OF EMERGENCY

Section 263 and 268 of the *Corrective Services Act 2006*

I, Peter Martin APM, Commissioner, Queensland Corrective Services, reasonably believe a situation exists, namely the presence of the virus known as COVID-19, that is likely to threaten the safety and welfare of prisoners and employees at all corrective services facilities.

With the approval of the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, I declare under section 268(2) of the *Corrective Services Act 2006* (CS Act), that an emergency exists in relation to all corrective services facilities for the period commencing on 29 April 2021 and expiring at 11:59pm on 29 June 2021 (the Declaration Period).

This declaration will lapse on the earlier of the end of the Declaration Period or the day that is the end of the COVID-19 emergency period, unless earlier revoked or replaced by me.

While this declaration is in force:

- I may require all persons entering or attempting to enter a corrective services facility to be screened for COVID-19, including by taking the temperature of the person. If the person conducting the screening is of the opinion that a person is exhibiting flu-like symptoms, or a person's temperature is more than 38 degrees Celsius, I may, on advice of the person conducting the screening, refuse to allow the person entry to the corrective services facility;
- I direct all staff or visitors to any corrective services facility or other QCS location, including the Queensland Corrective Services Academy and the Wacol location of the Escort and Security Branch, to comply with all directions given by Queensland Health including any direction to undertake testing for COVID-19 and/or to self-isolate or quarantine; and
- I direct that all prisoners accommodated at any corrective services facility must comply with all directions given by Queensland Health including any direction to undertake testing for COVID-19 and/or to self-isolate or quarantine.

This declaration has been made following advice from the Chief Health Officer, Queensland Health who believes it is necessary to make this declaration to assist in containing, or to respond to, the spread of COVID-19 within corrective services facilities and the wider community.



Peter Martin APM

Commissioner, Queensland Corrective Services

29 April 2021

Provisions of the CS Act

263 Functions and powers

- (1) Subject to any direction of the Minister, the chief executive is responsible for—
 - (a) the security and management of all corrective services facilities; and
 - (b) the safe custody and welfare of all prisoners; and
 - (c) the supervision of offenders in the community.
- (2) The chief executive has—
 - (a) the power to do all things necessary or convenient to be done for, or in connection with, the performance of the chief executive's functions under an Act; and

Example—

The chief executive may order the inspection of a corrective services facility whether or not an incident has happened at the facility.

- (b) the powers of an inspector, including the chief inspector, and a corrective services officer.
- (3) To remove any doubt, it is declared that the chief executive may exercise a power mentioned in subsection (2)(b) in a place other than a corrective services facility.

268 Declaration of emergency

- (1) This section applies if the chief executive reasonably believes a situation exists at a prison that threatens or is likely to threaten—
 - (a) the security or good order of the prison; or
 - (b) the safety of a prisoner or another person in the prison.
- (2) The chief executive may, with the Minister's approval, declare that an emergency exists in relation to the prison for a stated period that must not be more than 3 days.
- (3) The declaration lapses at the end of the stated period unless—
 - (a) it is sooner revoked by the chief executive; or
 - (b) another declaration is made to take effect.
- (4) While the declaration is in force, the chief executive may—
 - (a) restrict any activity in, or access to, the prison; or
 - (b) order that prisoners' privileges or a stated prisoner's privileges be withheld; or
 - (c) authorise police officers to perform a function or exercise a power of a corrective services officer, under the direction of the senior police officer present.
- (5) In this section—

prison includes part of a prison.

Provisions of the *Corrective Services (COVID-19 Emergency Response) Regulation 2020*

5 Modification of [Corrective Services Act 2006, s 268](#) (Declaration of emergency)

For the COVID-19 emergency period, the [Corrective Services Act 2006, section 268](#) applies as if—

- (a) a reference in [section 268](#)(2) of that Act to 3 days were a reference to 90 days; and
- (b) [section 268](#)(3) of that Act were replaced by—
 - (3) The declaration lapses on the earlier of the following days unless it is sooner revoked by the chief executive or another declaration is made to take effect—
 - (a) the day that is the end of the stated period;
 - (b) the day that is the end of the COVID-19 emergency period.

6 Additional procedure for entry to corrective services facility

(1) The chief executive may require any person entering or attempting to enter a corrective services facility when a declaration of emergency under the [Corrective Services Act 2006, section 268](#) is in force for the facility to be screened for COVID-19, including by taking the temperature of the person.

(2) Subsection (3) applies if the person conducting the screening (the **examiner**) is of the opinion that the person is exhibiting flu-like symptoms, or the person's temperature when taken under subsection (1) is more than 38 degrees Celsius.

(3) The chief executive may, on the advice of the examiner, refuse to allow the person to enter the corrective services facility.

(4) In this section—

corrective services facility see the [Corrective Services Act 2006, schedule 4](#).

Provisions of the *Justice and Other Legislation (COVID-19 Emergency Response Amendment) Act 2020*

9 Act amended

This part amends the *Corrective Services Act 2006*.

11 Insertion of new ch 6, pt 15A

Chapter 6—

insert—

Part 15A COVID-19 emergency provisions

351A Definition for part

In this part—

COVID-19 emergency period see the *COVID-19 Emergency Response Act 2020*, schedule 1.

351C Modification of s 268 (Declaration of emergency)

For the COVID-19 emergency period, section 268 applies as if a reference in section 268 to a prison were a reference to a corrective services facility.