

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 4 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 **Western Australia Area** on or since 25 January 2021; or
- a **Greater Melbourne Area** on or since 29 January 2021;

(the **4 February Suspension Decision**). The 4 February Suspension Decision was to remain in place until further notice, for a period of up to one year.

On 5 February 2021, the 4 February Suspension Decision was amended in line with the announcement from Queensland Health that a number of South West Areas in Western Australia would cease to be declared COVID-19 hotspots pursuant to section 362B of the *Public Health Act 2005* from 1am AEST on 6 February 2021.

Today, Queensland Health announced that the **Western Australia Areas** would cease to be declared COVID-19 hotspots pursuant to section 362B of the *Public Health Act 2005* from 1 am AEST on 14 February 2021. In addition to this, Queensland Health announced that a number of **Victorian Areas** will be declared a COVID-19 hotspot pursuant to section 362B of the *Public Health Act 2005* including the Greater Melbourne Area.

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. in so far as it relates to the **Western Australia Areas**, the 4 February Suspension Decision will remain in place until 1am on 14 February 2021 before being revoked in its entirety;
2. in so far as it relates to a **Greater Melbourne Area**, the 4 February 2021 decision is revoked and is replaced with a further decision pursuant to section 157(1A) of the CSA to suspend visitor access approvals for any personal visitor to a corrective services facility who has been in a **Victorian Area** on or since 29 January 2021 (**the 12 February Suspension Decision**);
1. in reaching the 12 February Suspension Decision, I have considered the following:
 - a. the effect of a proposed suspension on a child for whom approval has been given to accompany the visitor; and

- b. whether the child may, unaccompanied by an adult, visit the prisoner. The entry of any person, including children, could potentially put corrective services facilities at risk.
2. the 12 February Suspension Decision takes effect from 1am AEST on 13 February 2021 and will remain in place until further notice, for a period of up to one year;
3. in addition to the 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 29 January 2021, 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 29 January 2021 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 **Western Australia Area** includes the following Local Government Areas: Armadale, Augusta- Margaret River, Bassendean; Bayswater; Belmont, Boddington, Boyup Brook, Bridgetown-Greenbushes, Bunbury, Busselton, Cambridge, Canning, Capel, Claremont, Cockburn, Collie, Cottesloe, Dardanup, Donnybrook-Balingup, East Fremantle, Fremantle, Gosnells, Harvey, Joondalup, Kalamunda, Kwinana, Mandurah, Manjimup, Melville, Mosman Park, Mundaring, Murray, Nannup, Nedlands, Peppermint Grove, Perth, Rockingham, Serpentine-Jarrahdale, South Perth, Stirling, Subiaco, Swan, Victoria Park, Vincent, Wanneroo, Waroona, Kings Park (unincorporated) and Rottnest Island (unincorporated);
 - c. a reference to a **Greater Melbourne 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, Hobsons Bay City, Hume City, Kingston City,

Knox City, Manningham City, Maribyrnong City, Maroondah City, Melbourne City, Melton City, Monash City, Moonee Valley City, Moreland City, Mornington Peninsula Shire, Nillumbik Shire, Port Phillip City, Stonnington City, Whitehorse City, Whittlesea City, Wyndham City, Yarra City and Yarra Ranges Shire;

- d. 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 5 February 2021. These directions will remain in place until revoked or replaced by me.



Paul Stewart APM

Acting Commissioner, Queensland Corrective Services

12 February 2021