

## 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, I, 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 18 December 2020, I made a decision pursuant to section 157(1A) of the *Corrective Services Act 2006* (**CSA**) to suspend all visitor access approvals for personal visitors to all corrective services facilities who had visited the Northern Beaches Local Government Area of Sydney within the preceding 14 days or since 11 December 2020, whichever period was shorter (**Suspension Decision**). That decision remains in place until further notice, for a period of one year from 18 December 2020.

On 23 December 2020, I made a decision to extend the Suspension Decision to include the suspension of all visitor access approvals for all personal visitors to all corrective services facilities who had been in the Greater Sydney area within the preceding 14 days or since the area was declared as a hotspot, whichever period was shorter (the **Amended Suspension Decision**). That decision remains in place until further notice, for a period of one year from 23 December 2020.

Today, in light of the recent increase in the number of locally acquired cases of COVID-19 in Victoria, the Queensland Chief Health Officer has requested, in writing, that, effective immediately, all Queensland corrective services facilities restrict visitors who have been in Victoria in the preceding 14 days or since 21 December 2020, whichever period is shorter. The Chief Health Officer states such precautionary measures are vital to protect densely populated correctional facilities from an uncontrolled, and potentially catastrophic, COVID-19 outbreak.

Following the request of the Chief Health Officer, and consultation with Queensland Health and the State Health Emergency Coordination Centre, and in recognition of the fact that the safety and welfare of all prisoners and staff are paramount considerations for QCS, I have decided it is reasonable and necessary to extend the Amended Suspension Decision to include the suspension of access for all personal visitor access approvals for all personal visitors to all corrective services facilities who have been in Victoria within the preceding 14 days or since 21 December 2020, whichever period is shorter (**Further Amended Suspension Decision**).

The Amended Suspension Decision will take effect immediately on my signing of this direction and remain in place until further notice, for a period of up to one year. I confirm I have considered the following in making the Further Amended Suspension Decision:

- the effect of the proposed suspension on a child for whom approval has been given to accompany the visitor; and
- 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.

In addition to the Further Amended Suspension Decision, and following discussions with Queensland Health and the State Health Emergency Coordination Centre, I direct as follows:

1. any staff member (as defined in the CSA) who has been in Victoria in the preceding 14 days or since 21 December 2020, whichever period is shorter, must:
  - 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);
  - undergo a test for COVID-19; and
  - comply with all directions given by their direct supervisor and Queensland Health in relation to their COVID-19 test and any self-quarantine or isolation requirements;
2. the wearing of face masks as approved personal protective equipment is mandatory for all staff when they are in contact with a prisoner who has COVID-19 symptoms, as directed by Queensland Health personnel, including when staff are escorting a symptomatic prisoner within a corrective services facility and for ESB staff whilst transporting a symptomatic prisoner outside a corrective services facility;
3. 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; and
4. the following QCS policies will apply to all corrective services facilities:
  - a. 'Managing new admission reception prisoners and COVID-19 isolation';
  - b. 'Managing 'at-risk' employees'; and
  - c. 'Managing Vulnerable Prisoners'.

These directions are made pursuant to sections 263(2), 264 and 268(4) of the *Corrective Services Act* (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 take effect immediately on signing, revoking and replacing the previous directions made by me pursuant to sections 263(2) and 268(4) of the CS Act on 31 December 2020. These directions will remain in place until revoked or replaced by me.



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Peter Martin APM

Commissioner, Queensland Corrective Services

3 January 2021