

DIRECTIONS WHILE DECLARATION OF EMERGENCY DATED 29 JUNE 2021 IS IN FORCE

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

On 29 June 2021, Peter Martin APM, Commissioner, Queensland Corrective Services (**QCS**), with the approval of the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, declared that an emergency exists in relation to all corrective services facilities for the period commencing on 29 June 2021 and expiring at 11:59pm on 27 September 2021 (the **Declaration**).

The Declaration was made following extensive consultation with the Chief Health Officer and Queensland Health 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 31 July 2021, in light of six new cases of the Delta variant of COVID-19 being recorded in South East Queensland, the Queensland Chief Health Officer announced that the **LGAs** would be entering a 3 day lockdown commencing at **4pm on 31 July 2021**.

On 2 August 2021, the Chief Health Officer extended the lockdown until **4pm on 8 August 2021**.

In light of the lockdown and the current spread of the Delta variant, I decided it was reasonable and necessary in order to preserve the security and good order of the corrective services facilities to suspend all visitor access approvals for personal visitors to all corrective services facilities except for a **Northern Corrective Services Facility** pursuant to section 157(1A) of the *Corrective Services Act 2006* (**CS Act**) (**Suspension Decision**). The Suspension Decision took effect immediately on signing and was to remain in place until further notice, for a period of up to one year.

On 2 August 2021, because a person who had tested positive for COVID-19 had travelled from Brisbane to Rockhampton for work, I decided, based on Queensland Health advice, that it was reasonable and necessary in order to preserve the security and good order of the corrective services facilities to extend the Suspension Decision so that all visitor access approvals for personal visitors to all corrective services facilities other than Townsville Correctional Centre and Lotus Glen Correctional Centre were suspended pursuant to section 157(1A) of the CS Act (the **Amended Suspension Decision**).

Today, the Queensland Chief Health Officer announced that there was one locally acquired case of the delta variant of COVID-19 in Cairns which was unlinked to the current outbreak of the delta variant of COVID-19 in South East Queensland. It was further announced by Queensland Health that the **named locations** this positive case had visited are in areas where much of the population of Cairns frequents.

As a result of the situation in Cairns and in light of the increasing spread of the delta variant of COVID-19 across Queensland, I have decided that it is reasonable and necessary to preserve the security and good order of the corrective services facilities to extend the Amended Suspension Decision so that all visitor access approvals for personal visitors to all corrective services facilities are suspended pursuant to section 157(1A) of the CS Act (the **Further Amended Suspension Decision**).

The Further 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 also considered the following in making the Further Amended Suspension Decision:

- the effect of a 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.

I direct that while the Declaration is in force:

1. in addition to the suspension of access approvals for personal visitors under the Further Amended Suspension Decision, and pursuant to section 263(2) and section 268(4) of the CS Act, all visitor access to all Queensland corrective services facilities is prohibited other than access by:
 - a. an accredited visitor where access is approved by me;
 - b. a government visitor where access is approved by me;
 - c. a casual site visitor where access is approved by me;
 - d. a law enforcement visitor;
 - e. an emergency services officer;
 - f. a professional visitor whose attendance is necessary to perform health duties or provide psychological care and access is approved by me;
 - g. a commercial visitor whose attendance is necessary to perform essential maintenance or delivery of essential goods and services and access is approved by me;
 - h. elders, respected persons and spiritual healers, where access is approved by me; and
 - i. religious visitors, where access is approved by me;
2. any person who is approved to enter a corrective services facility pursuant to clause 1(a)-1(i) and who was:
 - a. in a **COVID-19 hotspot** or an **interstate exposure venue** will not be allowed to enter a corrective services facility unless and until 14 days have passed since they were at the **COVID-19 hotspot** or **interstate exposure venue**;
 - b. in an **interstate area or place of concern** will not be allowed to enter a corrective services facility if they have been in the **interstate area or place of concern** in the 14 days prior or since the start date identified for the **interstate area of concern**, whichever period is shorter, unless they have obtained a negative COVID-19 test result in Queensland prior to entering the corrective services facility (and have not been issued a quarantine order by Queensland Health) and they are entering for one of the following purposes:
 - i. providing goods and services which are essential for the effective operation of the corrective services facility;

- ii. providing health services;
 - iii. emergency management, law enforcement or the exercise of a power or function of a government agency or entity under a law; or
 - iv. an end of life visit for a prisoner;
 - c. in a **named location** or identified as a **close contact**, must provide evidence that they have complied with all Queensland Health directions in relation to testing for COVID-19, self-isolation and quarantine requirements and have been cleared by Queensland Health before entering a corrective services facility;
3. any **staff member** who has been in a **COVID-19 hotspot, interstate area or place of concern, interstate exposure venue, a named location** or identified as a **close contact** 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 self-isolation, quarantine requirements or mask wearing requirements;
4. all **staff members** and all visitors to any QCS location or workplace, whether or not that location or workplace is a corrective services facility, must comply with any **mask requirement**;
5. Prisoners in all **South East Queensland Corrective Services Facilities** must wear a face mask when outside of their secure unit or residential compound unless engaged in strenuous physical exercise. Where a prisoner has removed their mask for the purposes of engaging in strenuous physical exercise, the prisoner must resume wearing a mask as soon as practicable after they cease exercising strenuously;
6. Prisoners in all **Northern Corrective Services Facilities** must wear a face mask when required by Queensland Health;
7. the following QCS policies will apply to corrective services facilities depending on the level of restriction at the facility:
- a. 'Managing new admission reception prisoners and COVID-19 isolation – Stage 1'; or
 - b. 'Managing prisoner transfers & receptions during COVID-19 restricted operations' (this applies to any correctives services facility not in Stage 1);
8. the following QCS policies will apply to all corrective services facilities:
- a. 'Managing 'at risk' employees; and
 - b. 'Managing Vulnerable Prisoners'
9. for the purposes of these directions:
- a. **staff member** has the meaning given in the CS Act;
 - b. a **close contact** is a person who has been identified as:
 - i. a close contact of a person diagnosed with COVID-19 by a Queensland public health officer; or

- ii. a close contact or casual contact of a person diagnosed with COVID-19 by an interstate government authority;
- c. a **named location** is a place for which an active contact tracing alert has been published on the Queensland Health website, provided that the individual was in the named location during the times specified in the alert;
- d. a **COVID-19 hotspot** means a place which has been declared as a COVID-19 hotspot by the Chief Health Officer and is published on the Queensland Health website, provided the individual was in the COVID-19 hotspot since the identified start date and time for the COVID-19 hotspot;
- e. an **interstate exposure venue** means an interstate site for which an alert has been published on the Queensland Health website, provided that the individual was at the Interstate exposure site during the times specified in the alert;
- f. an **interstate area or place of concern** means a particular area or place of Australia decided by the Chief Health Officer and published on the Queensland Health website provided that the individual was in the interstate area or place of concern since the identified start date and time for the interstate area or place of concern;
- g. the **LGAs** mean the following local government areas in South East Queensland as identified by Queensland Health:
 - i. City of Brisbane;
 - ii. Moreton Bay Regional Council;
 - iii. City of Gold Coast;
 - iv. City of Ipswich;
 - v. Lockyer Valley Regional Council;
 - vi. Logan City;
 - vii. Noosa Shire Council;
 - viii. Redland City;
 - ix. Scenic Rim Regional Council;
 - x. Somerset Regional Council;
 - xi. Sunshine Coast Regional Council;
- h. the **Northern Corrective Services Facilities** means the following corrective services facilities:
 - Capricornia Correctional Centre;
 - Townsville Correctional Centre;
 - Lotus Glen Correctional Centre;
- i. the **South East Queensland Corrective Services Facilities** means the following corrective services facilities:
 - Maryborough Correctional Centre;
 - Arthur Gorrie Correctional Centre;
 - Borallon Training and Correctional Centre;
 - Brisbane Correctional Centre;

- Brisbane Women's Correctional Centre;
- Wolston Correctional Centre;
- Helana Jones Correctional Centre;
- Southern Queensland Correctional Centre;
- Palen Creek Correctional Centre;
- Numinbah Correctional Centre;
- Woodford Correctional Centre; and
- Princess Alexandra Hospital Secure Unit.

j. a **mask requirement** includes:

- i. for staff members and visitors attending a **South East Queensland Corrective Services Facility** or another QCS location or workplace in one of the **LGAs**– masks to be worn at all times unless:
 - i. they are in a closed-door office by themselves; or
 - ii. they are outdoors and there is no other person present;
- ii. for staff members and visitors attending a **Northern Corrective Services Facility**– wearing a face mask within the corrective services facility where social distancing is not possible; and
- iii. staff and visitors to other QCS locations not covered by this direction must comply with any requirement published on the Queensland Health website or directed by Queensland Health;

These directions are made pursuant to sections 263(2), 264 and 268(4) of the CS Act. They have been made in consultation with Queensland Health and the Chief Health Officer 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 from 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 2 August 2021. These directions will remain in place until revoked or replaced by me.



Paul Stewart APM
Commissioner, Queensland Corrective Services

4 August 2021