

COVID-19 VACCINATION DISCLOSURE REQUIREMENTS DIRECTIONS

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

On 24 December 2021, Paul Stewart APM, Commissioner, Queensland Corrective Services (**QCS**) declared that an emergency exists in relation to all corrective services facilities for the period commencing on 27 December 2021 and expiring at 11:59pm on 26 March 2022 (the **Declaration**).

On 10 November 2021, the Chief Health Officer published the *Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction*. The Chief Health Officer's Direction requires QCS to take all reasonable steps to ensure that a **Staff Member** that enters, works in or provides services in a **healthcare setting** has received the **prescribed number of doses** of a **COVID-19 vaccine**, or meets the conditions for an exception under the Chief Health Officer's Direction.

The Chief Health Officer's Direction requires QCS to keep a record of having sighted evidence of, or verified, the Staff Member's vaccination status or evidence supporting a claimed **medical contraindication**.

On 11 December 2021, the Chief Health Officer published the *COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction*. The Chief Health Officer's Direction requires that people who seek to enter, work in, or provide services in corrective services facilities must receive a first dose of a COVID-19 vaccine by 17 December 2021 and a second dose by 23 January 2022.

Upon review of the *Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction*, further consultation with Queensland Health and in recognising that the safety, welfare and human rights of prisoners and staff are paramount considerations for QCS, I direct as follows:

1. By and from 15 December 2021, all **Staff Members** working within a **corrective services facility** or who may be required to enter a **healthcare setting** while undertaking work for QCS must comply with the **COVID-19 vaccination disclosure requirements**.
2. The **COVID-19 vaccination disclosure requirements** are that:
 - a. From 15 December 2021, all **Staff Members** working within a **corrective services facility** or who may be required to enter a **healthcare setting** while undertaking work for QCS must advise their Chief Superintendent or Superintendent whether they have received the **prescribed number of doses** of a **COVID-19 vaccine**; and
 - b. as soon as reasonably practicable after each dose of the **COVID-19 vaccine**, the **Staff Member** must provide evidence of complying with the **COVID-19 vaccination disclosure requirements** to their General Manager/Chief Superintendent. Evidence of meeting the COVID-19 vaccination requirements include:
 - i. a person's MyGov record; or
 - ii. a person's immunisation history statement from the Australian Immunisation Register.

Note: A persons' immunisation history statement can be obtained from the Australian Government using MyGov, the

Medicare mobile app or by calling the Australian Immunisation Register and requesting a statement to be posted. Information is available at <https://www.servicesaustralia.gov.au/individuals/services/medicare/australian-immunisation-register/how-get-immunisation-history-statement>; or

- c. if the **Staff Member** is unable to be vaccinated due to a **medical contraindication**, the **Staff Member** must provide evidence of the claimed medical contraindication to their General Manager/Chief Superintendent. Evidence of a **medical contraindication** means:
 - i. a medical certificate issued by a medical practitioner; and
 - ii. the **Staff Member's** Australian Immunisation Record, specifying the **medical contraindication** that makes the person unable to be vaccinated.
3. The information provided by Staff Members in accordance with the **COVID-19 vaccination disclosure requirements** will be used and stored in accordance with the Chief Health Officer's *Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction* and legislative requirements.
4. For the purposes of these directions:
- a. **Staff Member** has the meaning given in the CS Act and includes all staff members working within, or seeking to enter, a **corrective services facility** or **healthcare setting** and includes staff members working in the High Risk Offender Management Unit.
 - b. a **corrective services facility** has the meaning given in the *Corrective Services Act 2006 (CS Act)*.
 - c. **Healthcare setting** has the meaning contained in the Chief Health Officer's *Workers in a healthcare setting (COVID-19 Vaccination Requirements) Direction*, being a setting or premises where healthcare is provided.
 - d. **COVID-19 vaccine** is a vaccine for COVID-19 that is approved by the Therapeutic Goods Administration for use in Australia or that is endorsed by WHO-COVAX where the employee was vaccinated overseas.
 - e. **Prescribed number of doses** is two doses, or as determined by Queensland Health.
 - f. **Medical contraindication** means a temporary or permanent contraindication that is:
 - i. recognised in guidance published by the Australian Technical Advisory Group on Immunisation (ATAGI) in relation to the use of a particular **COVID-19 vaccine**; or
 - ii. notified to the Australian Immunisation Register (AIR) by a medical practitioner in relation to a person and recorded on the person's Immunisation History Statement (IHS).

Note: a temporary vaccine exemption may apply until a specified date due to acute major illness, significant immunocompromise of short duration and recognised overseas vaccination.

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 12:00am on 27 December 2021, revoking and replacing the previous *COVID-19 Vaccination Disclosure Requirements Directions* dated 6 December 2021.

These directions supplement the public health directions and directions made by me under sections 263(2), 264 and 268(4) of the CSA Act on 24 December 2021, including the directions titled *Directions while Declaration of Emergency dated 24 December 2021 is in Force* and the *COVID-19 Vaccination Requirements for Corrective Services Facilities Directions*.

These directions will remain in place until revoked or replaced by me.



Paul Stewart APM
Commissioner, Queensland Corrective Services

24 December 2021