

## 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 29 January 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 arrived in Queensland from New Zealand in the preceding 14 days (the **29 January Suspension Decision**). The 29 January Suspension Decision was to take effect from 1am on Monday 1 February 2021 and remain in place until further notice, for a period of up to one year.

Today, following a COVID-19 outbreak in Western Australia, the Queensland Chief Health Officer:

- issued an updated Declared Hotspots Direction pursuant to section 362B of the *Public Health Act 2005* declaring the **Western Australia Areas** as COVID-19 hotspots effective from 7:55pm AEST tonight;
- directed that:
  - anyone who arrives in Queensland from a Western Australian Area from 7:55pm AEST tonight will be required to go into 14 days mandatory hotel quarantine; and
  - anyone who is in Queensland but has been to a Western Australia Area on or since 25 January 2021 should get tested and isolate until they receive a negative result.

In light of the directions issued by the Chief Health Officer, and in 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 direct as follows:

1. I have made a decision pursuant to section 157(1A) of the CSA to amend the 29 January Suspension Decision to also suspend all visitor access approvals for any personal visitor to a corrective services facility who has been in a Western Australia Area on or since 25 January 2021 (the **Amended Suspension Decision**);
2. in reaching the Amended 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.
  - c. religious visitors, where access is approved by me;

3. the Amended Suspension Decision takes effect at 1am on Monday 1 February 2021 and will remain in place until further notice, for a period of up to one year;
4. in addition to the Amended Suspension Decision, and under section 263(2) and section 268(4) of the CS Act, any other person who has:

- a. arrived in Queensland from New Zealand in the preceding 14 days; or
- b. been in a Western Australia Area on or since 25 January 2021,

must not enter a corrective services facility unless they have been expressly authorised to do so in writing by me;

5. any Staff Member who:

- a. arrived in Queensland from New Zealand on or since 14 January 2021; or
- b. was in a Western Australia Area on or since 25 January 2021

must:

- i. 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);
- ii. undergo a test for COVID-19; and
- iii. 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;

6. 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;
7. 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;
8. 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';
9. for the purposes of these directions:
  - a. **Staff Member** has the meaning given in the CS Act; and
  - 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).

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 take effect at 1am on Monday 1 February 2021, revoking and replacing the previous directions made by me pursuant to sections 263(2) and 268(4) of the CS Act on 30 January 2021. These directions will remain in place until revoked or replaced by me.



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Paul Stewart APM

Acting Commissioner, Queensland Corrective Services

31 January 2021