

**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 21 January 2021 I made a decision pursuant to section 157(1) 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 **COVID-19 hotspot** in the preceding 14 days or since the COVID-19 hotspot was declared, whichever period was shorter (the **Suspension Decision**). The Suspension Decision took effect from 1:00 am on 22 January 2021 and was to remain in place until further notice, for a period of up to one year from 22 January 2021.

On 25 January 2021 I received correspondence from the Chief Health Officer regarding a confirmed case of COVID-19 in a returned traveller in New Zealand. The traveller tested positive for the South African variant of COVID-19 which the Chief Health Officer advises is more contagious than previous variants.

In her correspondence the Chief Health Officer:

- advised me that New Zealand would be removed as a safe travel zone country for the purposes of the *Quarantine for International Arrivals Direction (No. 2)* public health direction, requiring a person arriving in Queensland from New Zealand to quarantine for 14 days within government nominated accommodation;
- advised me that a public health alert had been issued requesting that anyone who arrived in Queensland from New Zealand since 14 January 2021 immediately be tested for COVID-19, even if asymptomatic, and quarantine until they receive a negative result;
- advised me that restrictions on persons visiting hospitals, aged care facilities and disability accommodation if they had been overseas in the preceding 14 days will now include anyone who has arrived from New Zealand; and
- requested that all Queensland corrective services facilities implement similar restrictions to those in hospitals, aged care facilities and disability accommodation for visitors who have been in New Zealand in the preceding 14 days.

Today, 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 direct as follows:

1. the Suspension Decision is revoked in its entirety;
2. I have made a decision pursuant to section 157(1A) of the CSA to suspend all visitor access approvals for any personal visitor to a corrective services facility who has:
 - a. been in a **COVID-19 hotspot** in the preceding 14 days or since the COVID-

19 hotspot was declared, whichever period is shorter; or

- b. arrived in Queensland from New Zealand in the preceding 14 days or on or since 14 January 2021, whichever period is shorter

(the **26 January Suspension Decision**);

3. in reaching the 26 January 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;
4. the 26 January Suspension Decision takes effect immediately on signing of these directions and will remain in place until further notice, for a period of up to one year;
5. in addition to the 26 January Suspension Decision, and under section 263(2) and section 268(4) of the CS Act, any other person who has:
 - a. been in a COVID-19 hotspot in the preceding 14 days or since the COVID-19 hotspot was declared, whichever period is shorter; or
 - b. arrived in Queensland from New Zealand in the preceding 14 days or on or since 14 January 2021, whichever period is shorter

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

6. any Staff Member who arrived in Queensland from New Zealand on or since 14 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;
7. 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;
8. 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;
9. 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';
10. for the purposes of these directions:

- a. a reference to a **COVID-19 hotspot** includes the following Local Government Areas: Bayside, Blacktown, Blue Mountains, Burwood, Camden, Campbelltown, Canada Bay, Canterbury-Bankstown, Central Coast, City of Sydney, Cumberland, Fairfield, Georges River, Hawkesbury, Hornsby, Hunter's Hill, Inner West, Ku-ring-gai, Lane Cove, Liverpool, Mosman, North Sydney, Northern Beaches, Parramatta, Penrith, Randwick, Ryde, Strathfield, Sutherland, The Hills, Waverley, Willoughby, Wollondilly, Wollongong, Woollahra and Sydney Harbour (unincorporated);and
- b. **Staff Member** has the meaning given in the CS Act.

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 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 21 January 2021. These directions will remain in place until revoked or replaced by me.



Peter Martin APM

Commissioner, Queensland Corrective Services

26 January 2021