

DECLARATION OF EMERGENCY

(General)

Section 263 and 268 of the *Corrective Services Act 2006*

I, Peter Martin APM, Commissioner, Queensland Corrective Services, reasonably believe a situation exists, namely the presence of the virus known as COVID-19, that is likely to threaten the safety and welfare of prisoners and employees at all prisons.

With the approval of the Minister for Police and Corrective Services, I declare under section 268 of the *Corrective Services Act 2006* (CS Act), that an emergency exists in relation to all prisons for a period of three days from 16 May 2020.

This declaration has been made following advice from the chief health officer who believes it is necessary to give this declaration to assist in containing, or to respond to, the spread of COVID-19 within the prison and the wider community.

While this declaration is in force, under section 263(2) and 268(4) of the CS Act, all visitor access to a prison is prohibited unless stated below:

- a. accredited visitor where access is approved by me;
- b. government visitor where access is approved by me;
- c. casual site visitor where access is approved by me;
- d. law enforcement visitor;
- e. an emergency services officer;
- f. professional visitor whose attendance is necessary to perform health duties or provide psychological care and access is approved by me;
- g. 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.

In addition, whilst this declaration is in force, under section 263(2) and 268(4) of the CS Act, the following policies continue to apply:

- a. Managing prisoner receptions;
- b. Managing vulnerable prisoners.



Peter Martin APM

Commissioner, Queensland Corrective Services

15 May 2020

Provisions of the CS Act

263 Functions and powers

- (1) Subject to any direction of the Minister, the chief executive is responsible for—
 - (a) the security and management of all corrective services facilities; and
 - (b) the safe custody and welfare of all prisoners; and
 - (c) the supervision of offenders in the community.
- (2) The chief executive has—
 - (a) the power to do all things necessary or convenient to be done for, or in connection with, the performance of the chief executive's functions under an Act; and

Example—

The chief executive may order the inspection of a corrective services facility whether or not an incident has happened at the facility.

- (b) the powers of an inspector, including the chief inspector, and a corrective services officer.

- (3) To remove any doubt, it is declared that the chief executive may exercise a power mentioned in subsection (2)(b) in a place other than a corrective services facility.

268 Declaration of emergency

- (1) This section applies if the chief executive reasonably believes a situation exists at a prison that threatens or is likely to threaten—
 - (a) the security or good order of the prison; or
 - (b) the safety of a prisoner or another person in the prison.
- (2) The chief executive may, with the Minister's approval, declare that an emergency exists in relation to the prison for a stated period that must not be more than 3 days.
- (3) The declaration lapses at the end of the stated period unless—
 - (a) it is sooner revoked by the chief executive; or
 - (b) another declaration is made to take effect.
- (4) While the declaration is in force, the chief executive may—
 - (a) restrict any activity in, or access to, the prison; or
 - (b) order that prisoners' privileges or a stated prisoner's privileges be withheld; or
 - (c) authorise police officers to perform a function or exercise a power of a corrective services officer, under the direction of the senior police officer present.
- (5) In this section—

prison includes part of a prison.