

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 7 January 2021 the Chief Health Officer confirmed that a person in South East Queensland had tested positive for the UK strain of COVID-19. According to the press release given by the Chief Health Officer, the UK strain is 70 percent more infectious than other strains.

The Chief Health Officer issued an alert calling for all people in Queensland who visited the **Named Locations** to be tested for COVID-19.

Further, in light of the positive diagnosis on 7 January 2021, and the high risks to a vulnerable prison population if COVID-19 were to enter a corrective services facility, the Chief Health Officer requested that swift action be taken to restrict access to corrective services facilities within Southern Queensland to staff and only essential visitors approved by me.

Following the request from the Chief Health Officer, and extensive consultation with Queensland Health and the State Health Emergency Coordination Centre, I made the Stage 3 Personal Visit Suspension Decision and the Northern Corrective Services Facilities Personal Visit Suspension Decision.

Subsequently, by letter dated 7 January 2021, the Chief Health Officer wrote to me:

- advising that she was declaring the **Brisbane Areas** as restricted areas pursuant to section 362B of the *Public Health Act 2005 (PH Act)* with immediate effect;
- requesting that all Queensland correctional facilities located within the Brisbane Areas implement restrictions on visitors to limit entry to facilities to only individuals who were essential to either the effective operation of the facility or the health, wellbeing or safety of the prisoners; and
- requesting that all Queensland correctional facilities, regardless of location, restrict visitors who had been in any of the Brisbane Areas in the preceding 14 days, or since 2 January 2021, whichever period was shorter.

Following the request from the Chief Health Officer, and extensive consultation with Queensland Health and the State Health Emergency Coordination Centre, I made the Amended Northern Corrective Services Facilities Personal Visit Suspension Decision. The Stage 3 Personal Visit Suspension Decision remained unchanged.

On 8 January 2021 the Chief Health Officer:

- published the Restrictions for Impacted Areas Direction pursuant to section 362B of the PH Act which identified the **Impacted Areas**;
- published the Queensland COVID-19 Restricted Areas (No. 8) Direction pursuant to section 362B of the PH Act which identified the **Restricted Areas**; and

- wrote to me:
 - reiterating her request from 7 January 2021 that, effective immediately, all Queensland correctional facilities located within the Restricted Areas (which are the same Local Government Areas referred to as the Brisbane Areas in my directions dated 8 January 2021) implement restrictions on visitors to limit entry to facilities to only individuals who are essential to either the effective operation of the facility or the health, wellbeing or safety of the prisoners; and
 - requesting that all Queensland correctional facilities, regardless of location, restrict visitors who have been in any of the Impacted Areas on or after 2 January 2021. I note the differentiation between Restricted Areas and Limited Areas was not in place at the time of the Chief Health Officer's request on 7 January 2021.

Following the request from the Chief Health Officer, and extensive consultation with Queensland Health and the State Health Emergency Coordination Centre, and in recognition of the high risk of community transmission and the fact that the safety and welfare of all prisoners and staff are paramount considerations for QCS, I direct as follows:

1. The Stage 3 Personal Visit Suspension Decision remains in place until further notice, for a period of up to one year from 7 January 2021;
2. The Amended Northern Corrective Services Facilities Personal Visit Suspension Decision is revoked in its entirety;
3. I have made a decision pursuant to section 157(1) of the *Corrective Services Act 2006 (CS Act)* to suspend visitor access approvals for any personal visitor to each **Northern corrective services facility** who has been in:
 - a. The Northern Beaches Local Government Area of Sydney within the preceding 14 days or since 11 December 2020, whichever period is shorter; or
 - b. The **Greater Sydney Area** within the preceding 14 days or since the area was declared a hotspot, whichever period is shorter; or
 - c. Orange, Nyngan and Broken Hill between 2-3 January 2021; or
 - d. Victoria in the preceding 14 days or since 21 December 2020, whichever is the shorter; or
 - e. An Impacted Area on or after 2 January 2021

(the **9 January Northern Corrective Services Facilities Personal Visit Suspension Decision**);
4. in reaching the 9 January Northern Corrective Services Facilities Personal Visit Suspension Decision I have considered:
 - 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. I consider that, in light of the current COVID-19 health emergency, the entry of any person, including children, could potentially put Northern corrective services facilities at risk;
5. the 9 January Northern Corrective Services Facilities Personal Visit Suspension Decision will remain in place until further notice, for a period of up to one year;
6. in addition to the suspension of access approvals for personal visitors under the Stage 3 Personal Visit Suspension Decision, and under section 263(2) and section

268(4) of the CS Act, all visitor access to a **Stage 3 corrective services facility** 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;
7. In addition to the 9 January Northern Corrective Services Facilities Personal Visit Suspension Decision, and under section 263(2) and section 268(4) of the CS Act, any other person who has been in one of the Impacted Areas on or after 2 January 2021 must not enter a Northern corrective services facility;
8. the only **Staff Members** that may attend the Queensland Corrective Services Academy (the **Academy**) or the Wacol location of the Escort and Security Branch (**ESB**) are those for whom these locations are their normal place of work, no other Staff Members or visitors may attend unless approved by me;
9. any Staff Member who:
- a. has been in Victoria in the preceding 14 days or since 21 December 2020, whichever period is shorter; or
 - b. was in Orange, Nyngan and Broken Hill between 2-3 January 2021; or
 - c. was in a Named Location,
- 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;
10. Except for staff working from a Northern corrective services facility, the wearing of face masks as approved personal protective equipment is mandatory for all Staff Members when working from a QCS location, regardless of whether the Staff Member works in a corrective services facility or another location, and when transporting a prisoner outside of a corrective services facility;
11. 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;
12. the 'Managing new admission reception prisoners and COVID-19 isolation' policy will apply to all Northern Corrective Services Facilities;
13. the 'Managing Prisoner Receptions' policy will apply to all Stage 3 Corrective Services Facilities;

14. the following QCS policies will apply to all corrective services facilities:

- a. 'Managing Employee Health Risks to COVID-19'; and
- b. 'Managing Vulnerable Prisoners';

15. for the purposes of these directions:

a. each of the following is a **Stage 3 corrective services facility**:

- Arthur Gorrie Correctional Centre;
- Borallon Training and Correctional Centre;
- Brisbane Correctional Centre;
- Brisbane Women's Correctional Centre;
- Wolston Correctional Centre;
- Helena Jones Correctional Centre;
- Southern Queensland Correctional Centre;
- Palen Creek Correctional Centre;
- Numinbah Correctional Centre;
- Woodford Correctional Centre;and
- Princess Alexandra Hospital Secure Unit.

b. each of the following is a **Northern corrective services facility**:

- Maryborough Correctional Centre;
- Capricornia Correctional Centre;
- Townsville Correctional Centre;
- Lotus Glen Correctional Centre.

c. each of the following places, provided a person was there during the stipulated time, is a **Named Location**:

<u>Place</u>	<u>Time period</u>
Train from Altandi station to Roma Street station	Saturday 2 January, 7am
Train from Central Station to Altandi station	Saturday 2 January, 4pm
Woolworths Calamvale North	Sunday 3 January, 11am-12noon
Coles Sunnybank Hills	Tuesday 5 January, 7.30-8am
Nextra Newsagent, Sunnybank Hills Shopping Town	Tuesday 5 January, 8-8.15am;

d. each of the following Local Government Areas are classified as **Restricted Areas**: City of Brisbane, City of Ipswich, Lockyer Valley Region, Logan City, Moreton Bay Region; Redland City; Scenic Rim Region and Somerset Region;

e. each of the following Local Government Areas are classified as **Impacted Areas**: City of Brisbane, City of Ipswich, Logan City, Moreton Bay Region

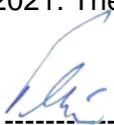
and Redland City;

- f. a reference to the **Greater Sydney Area** 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);
- g. **Brisbane Areas** has the same meaning as **Restricted Areas**; and
- h. **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 8 January 2021. These directions will remain in place until revoked or replaced by me.



Peter Martin APM

Commissioner, Queensland Corrective Services

9 January 2021