

COVID-19 VACCINATION REQUIREMENTS FOR CORRECTIVE SERVICES FACILITIES DIRECTIONS

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

On 25 March 2022, I, Gary McCahon, Commissioner, Queensland Corrective Services (QCS) declared that an emergency exists in relation to all corrective services facilities for the period commencing on 27 March 2022 and expiring at 11:59pm on 30 April 2022 (the **Declaration**).

On 4 February 2022, the Chief Health Officer published the *COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction (No. 2)*. The Chief Health Officer's Direction requires that a **Staff Member** who enters, works in, or provides services in a **corrective services facility** must be **fully vaccinated**.

Upon review of the *COVID-19 Vaccination Requirements for Workers in a high risk setting Direction No.2*, 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. All Staff Members working in, seeking to enter, or providing services in a corrective services facility while undertaking work for QCS must comply with the **COVID-19 vaccination requirements** unless they have a **medical contraindication** or are a **COVID-19 vaccine trial participant**.
2. The **COVID-19 vaccination requirements** are that all Staff Members who seek to enter, work in, or provide services in a **corrective services facility** must be **fully vaccinated**.
3. A Staff Member must provide evidence of complying with the **COVID-19 vaccination requirements** to the **responsible person** as soon as practicable after each dose of the **COVID-19 vaccine** by providing their **vaccination information** through the QCS COVID Vaccination Capture secure database and either:
 - a. uploading the supporting evidence which will be automatically deleted from the QCS COVID Vaccination Capture secure database following verification by the **responsible person**; or
 - b. describing in the QCS COVID Vaccination Capture secure database the supporting evidence on which they will be relying and showing that supporting evidence to the **responsible person** for sighting and verification.
4. Evidence of meeting the COVID-19 vaccination requirements, and that can be relied upon as supporting evidence includes:
 - a. written confirmation of **COVID-19 vaccination** provided to the person as part of the vaccination process, such as a record of vaccine card; or
 - b. a screenshot of their vaccination status displayed on the Check in Qld app; or
 - c. an online or printed immunisation history statement for **COVID-19 vaccination**, including confirmation of a medical contraindication

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/medicine/australian-immunisation-register/how-get-immunisation-history-statement>; or

- d. an **International COVID-19 Vaccination Certificate**; or
 - e. evidence that the **Staff Member** is a **COVID-19 vaccine trial participant** as defined under the Chief Health Officer's *COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction*.
5. The **responsible person** must verify a Staff Member's evidence of complying with **COVID-19 vaccination requirements** and keep a secure record of the Staff Member's vaccination status.
6. The **nominated person** may access a Staff Member's vaccination status for the purposes of complying with the Chief Health Officer's *COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction* and determining who may enter a corrective services facility, rostering, and workforce planning.
7. The information provided by **Staff Members** and accessed by **responsible persons** and **nominated persons** in accordance with these directions will be used and stored in accordance with legislative requirements.
8. For the purposes of these directions:
- a. **Staff Member** has the meaning given in the *Corrective Services Act 2006 (CS Act)* and includes all staff members working or providing services in, or seeking to enter a **corrective services facility**.
 - b. a **corrective services facility** has the meaning given in the CS Act.
 - c. **COVID-19 vaccine** is a vaccine for COVID-19 that is approved for use in Australia or recognised by the Therapeutic Goods Administration.
 - d. **COVID-19 vaccine trial participant** has the meaning under the Chief Health Officer's *COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction*.
 - e. **Fully vaccinated** has the meaning under the Chief Health Officer's *COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction* and means the person has received the **prescribed number of doses** of a **COVID-19 vaccine** and one week has passed.
 - f. **Prescribed number of doses** is two doses.
 - g. **Medical contraindication** has the meaning under the Chief Health Officer's *COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction*, and means a temporary or permanent contraindication that is notified to the Australian Immunisation Register (AIR) by an eligible health professional completing an AIR immunisation medical exemptions form in relation to a person, an 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.

h. **Responsible person** means:

- i. General Manager/Chief Superintendent
- ii. Deputy General Manager/Superintendent
- iii. the Staff Member's reporting line manager at AO6 level (or equivalent) and above and includes (but is not limited to) a Human Resources Manager and Correctional Manager
- iv. People Capability Command staff members at AO6 level (or equivalent) and above

The following are considered a **responsible person** but only for the purposes of paragraph 3(b) in circumstances where persons listed at paragraph 8(h)(i)-(iv) are not working at the corrective services facility at the time the Staff Member seeks to provide their evidence:

- v. Night Shift Supervisor
- vi. Centre Services Supervisor

i. **Nominated person** means:

- i. General Manager/Chief Superintendent
- ii. Deputy General Manager/Superintendent
- iii. Human Resources Managers
- iv. Human Resources Officers
- v. Business Services Advisor (Escort and Security Branch)
- vi. Night Shift Supervisor
- vii. Centre Services Supervisor
- viii. Centre Services Managers
- ix. Roster Clerks

j. **International COVID-19 vaccination certificate** has the meaning contained in the Chief Health Officer's *COVID-19 Vaccination Requirements for Workers in a high-risk setting Direction* and includes any of the following as proof of COVID-19 vaccination administered overseas:

- i. a printed or electronic form from the Department of Home Affairs that confirms completion of an Australian Travel Declaration and vaccination against COVID-19 overseas; or
- ii. through Medicare online account through myGov or the Medicare app; or
- iii. an official record of vaccination provided to the person when vaccinated against COVID-19 overseas.

k. **Vaccination information** means:

- i. Whether a Staff Member has had a first dose of a COVID-19 vaccination;
- ii. Whether a Staff Member has had a second dose of a COVID-19 vaccination;
- iii. Whether a Staff Member has a medical contraindication and if a temporary contraindication, when that contraindication will expire; and
- iv. The type of evidence of meeting the COVID-19 vaccination requirements provided or sighted.

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 limitation on the human rights¹ of prisoners, staff, family members or any other person as a result of these directions is reasonable and justifiable.

These directions will take effect from 12:00am on 27 March 2022, revoking and replacing the previous *COVID-19 Vaccination Requirements for Corrective Services Facilities Directions* made by me pursuant to sections 263(2) and 268(4) of the CS Act on 17 February 2022.

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



Gary McCahon
Commissioner, Queensland Corrective Services

25 March 2022

¹ Including the right to privacy and reputation; section 25 of the *Human Rights Act* 2019.