

DIRECTIONS WHILE DECLARATION OF EMERGENCY DATED 24 DECEMBER 2021 IS IN FORCE

Sections 157(1A), 263, 264 and 268(4) of the *Corrective Services Act 2006*

On 24 December 2021, I, Paul Stewart APM, Commissioner, Queensland Corrective Services (**QCS**), with the approval of the Minister for Police and Corrective Services and Minister for Fire and Emergency Services, declared that an emergency exists in relation to all corrective services facilities for the period commencing on 27 December 2021 and expiring at 11:59pm on 26 March 2022 (the **Declaration**).

The Declaration was made following extensive consultation with the Chief Health Officer and Queensland Health 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 14 January 2022, in consultation with Queensland Health, I decided it was reasonable and necessary to preserve the security and good order of corrective services facilities to suspend all visitor access approvals for all personal visitors to all corrective services facilities in Queensland pursuant to s 157(1A) of the CS Act (**Amended Suspension Decision**). The Amended Suspension Decision took effect immediately upon signing and was to remain in place until further notice, for a period of up to one year.

I directed that while the Declaration is in force, in addition to the suspension of access approvals for personal visitors under the Amended Suspension Decision, and pursuant to section 263(2) and section 268(4) of the CS Act, all visitor access to all corrective services facilities was 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;

Today, in light of the reduction in the number of identified cases of COVID-19 in corrective services facilities and the reduction in community transmission of COVID-19 in Queensland, Queensland Health has recommended QCS remove the restrictions placed on visitors to all corrective services facilities, commencing 28 February 2022.

In accordance with ongoing advice from Queensland Health and recognising that the safety, welfare and human rights of prisoners and staff are paramount considerations for QCS, I direct as follows:

1. The Amended Suspension Decision is revoked in its entirety;

2. any **staff member** who is a **diagnosed person** or is identified as a **close contact**, or who has been in a **COVID-19 hotspot**, an **interstate area or place of concern** or **interstate exposure venue**, the **non-restricted border zone** or **restricted border zone**, a **named location**, or **COVID-19 Restricted Area**, 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); and
 - b. comply with all directions given by their direct supervisor and Queensland Health including in relation to the following (where applicable):
 - i. the wearing of face masks;
 - ii. isolation or quarantine requirements in accordance with the Chief Health Officer's public health directions;
 - iii. testing for COVID-19 in accordance with the Chief Health Officer's public health directions;
 - iv. COVID-19 vaccination if they are a **non-restricted border zone** or **restricted border zone** resident;
 - v. exemption as an essential worker if they reside in or have visited the **restricted border zone**;
3. any other person who is not a **staff member** and who was:
 - a. in a **COVID-19 Restricted Area** or a **COVID-19 hotspot** outside the **non-restricted border zone** will not be allowed to enter a corrective services facility unless and until 14 days have passed since they were at the **COVID-19 hotspot** or the **COVID-19 Restricted Area**;
 - b. in an **interstate exposure venue** will not be allowed to enter a corrective services facility unless:
 - i. more than 14 days have passed since they were at the **interstate exposure venue**; and
 - ii. they have complied with any requirement by Queensland Health including any requirement to complete quarantine and undergo COVID-19 testing where applicable;
 - c. in an **interstate area or place of concern** will not be allowed to enter a corrective services facility if they have been in the **interstate area or place of concern** in the 14 days prior or since the start date identified for the **interstate area or place of concern**, whichever period is shorter, unless they have obtained a negative COVID-19 test result in Queensland prior to entering the corrective services facility (and have not been issued a quarantine order by Queensland Health) and they are entering for one of the following purposes:
 - i. providing goods and services which are essential for the effective operation of the corrective services facility;
 - ii. providing health services;
 - iii. emergency management, law enforcement or the exercise of a power or function of a government agency or entity under a law; or

- iv. an end of life visit for a prisoner;
 - d. in a **named location** or identified as a **close contact**, must provide evidence that they have complied with all Queensland Health directions in relation to testing for COVID-19, self-isolation and quarantine requirements before entering a corrective services facility;
- 4. all **staff members** and all visitors to any QCS location or workplace, whether or not that location or workplace is a corrective services facility, must comply with any **mask requirement**;
- 5. all prisoners in a corrective services facility must wear a surgical face mask:
 - a. when outside of their secure unit or residential compound unless engaged in strenuous physical exercise. Where a prisoner has removed their mask for the purposes of engaging in strenuous physical exercise, the prisoner must resume wearing a mask as soon as practicable after they cease exercising strenuously;
 - b. when outside of their cell if the prisoner is a **diagnosed** person; and
 - c. when outside of their cell if the prisoner is being isolated or quarantined for COVID-19 on the advice of Queensland Health.
- 6. the following QCS policies will apply to corrective services facilities depending on the level of restriction at the facility:
 - a. 'Managing new admission reception prisoners and COVID-19 – Stage 1'; or
 - b. 'Managing prisoner receptions, transfers, discharges and releases during COVID-19 restricted operations' (this applies to any correctives services facility not in Stage 1);
- 7. the following QCS policies will apply to all corrective services facilities:
 - a. 'Managing At Risk employees';
 - b. 'Managing Vulnerable Prisoners';
 - c. 'Use of PPE'; and
 - d. 'Management of Prisoners diagnosed with or suspected of having COVID-19'
- 8. for the purposes of these directions:
 - a. **staff member** has the meaning given in the CS Act;
 - b. a **close contact** has the meaning given by the Chief Health Officer and published on the Queensland Health website and means a person who is a **household member** or a **household-like contact** of a diagnosed person:
 - i. a **household member** is a person who ordinarily resides at the same premises or place of accommodation as the diagnosed person, and who are residing at the premises or place of accommodation at the time the diagnosed person receives their positive COVID-19 test result;
 - ii. a **household-like contact** is a person who has spent more than four hours with the diagnosed person or other place of accommodation, care facility or similar.
 - c. a **named location** is a place for which an active contact tracing alert has been published on the Queensland Health website, provided that the individual was in the named location during the times specified in the alert;

- d. a **COVID-19 hotspot** means a place which has been declared as a COVID-19 hotspot by the Chief Health Officer and is published on the Queensland Health website, provided the individual was in the COVID-19 hotspot since the identified start date and time for the COVID-19 hotspot;
- e. an **interstate exposure venue** means an interstate site for which an alert has been published on the Queensland Health website, provided that the individual was at the Interstate exposure site during the times specified in the alert;
- f. an **interstate area or place of concern** means a particular area or place of Australia decided by the Chief Health Officer and published on the Queensland Health website provided that the individual was in the interstate area or place of concern since the identified start date and time for the interstate area or place of concern;
- g. the **restricted border zone** means the local government areas in New South Wales from which entry into Queensland is restricted as determined by the Chief Health Officer and published on the Queensland Health Website.
- h. the **non-restricted border zone** means the non-restricted local government areas as determined by the Chief Health Officer and published on the Queensland Health website.
- i. a **diagnosed person** has the meaning given by the Chief Health Officer and published on the Queensland Health website and means an individual who has received a positive COVID-19 test result, or who has been otherwise informed that they have been diagnosed as having COVID-19, but does not include a person who is a cleared case of COVID-19;
- j. a **mask requirement** includes:
 - i. for staff members and visitors attending a Corrective Services Facility, face masks to be worn at all times unless:
 - A. they are in a closed-door office by themselves;
 - B. they are outdoors and there is no other person present;
 - ii. for staff members and visitors attending the Queensland Corrective Services Academy (**QCSA**) face masks must be worn in classrooms and where social distancing is not possible.
 - iii. for staff and visitors to other QCS locations not covered by this direction - any requirement published on the Queensland Health website or as directed by Queensland Health;
- k. the **COVID-19 restricted area** means one of the impacted local government areas in Queensland as determined by the Chief Health Officer and published on the Queensland Health Website provided the individual was in the restricted area after the identified start date.

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 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 12:01am on 28 February 2022, revoking and replacing the previous directions titled *Directions while Declaration of Emergency dated 24 December 2021 is in Force* made by me pursuant to sections 263(2) and 268(4) of the CS Act on 28 January 2022.

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

A handwritten signature in blue ink, appearing to read 'Paul Stewart', is positioned above a dashed line.

Paul Stewart APM
Commissioner, Queensland Corrective Services

25 February 2022