

# Corrective Services (COVID-19 Emergency Response) Regulation 2020

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Mark Ryan, Minister for Police and Minister for Corrective Services provide this human rights certificate with respect to the Corrective Services (COVID-19 Emergency Response) Regulation 2020 (the Regulation) made under the *Corrective Services Act 2006* (CS Act), *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA), *Penalties and Sentences Act 1992* (PSA), and *State Penalties Enforcement Act 1999* (SPEA) in reliance on sections 8 and 13 of the *COVID-19 Emergency Response Act 2020* (COVID-19 Response Act).

In my opinion, the Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

### Overview of the Subordinate Legislation

The objective of the Regulation is to temporarily respond to the COVID-19 public health emergency declared for all of Queensland on 29 January 2020, under section 319 of the *Public Health Act 2005*. A copy of the public health emergency order was published in the Queensland Government Gazette on 31 January 2020. The COVID-19 emergency declaration in Queensland has now been extended by regulation until 17 May 2020 and may need to be further extended.

On 11 March 2020, the Director-General of the World Health Organisation (WHO) declared COVID-19 a global pandemic. COVID-19 represents a significant risk to the health, safety and wellbeing of all Queenslanders.

To support the management of and departmental responses to the COVID-19 pandemic, the Parliament urgently passed the COVID-19 Response Act on 22 April 2020 ensuring departments, including Queensland Corrective Services (QCS), can make emergency subordinate legislation responding to the pandemic.

The Regulation provides a temporary response for the duration of the COVID-19 emergency as an extraordinary regulation.

The Regulation extends the length of time a declaration of emergency can be made, under section 268 of the CS Act, from three days to 90 days or until the Queensland Minister for Health and Minister for Ambulance Services declares and publishes the end of the COVID-19 emergency pursuant to sections 324 and 325 of the PHA.

The Regulation provides for amendments to the Parole Board Queensland (PBQ) meeting quorum requirements under section 234 of the CS Act, addressing a restriction requiring the

president or a deputy president to sit on the same board as a professional member when hearing prescribed matters. This ensures the PBQ can appropriately respond to the increase in parole applications.

The Regulation introduces additional entry procedures for corrective services facilities when a declaration of emergency under section 268 of the CS Act is in force. The Regulation responds to the risks and transmissibility of COVID-19 by providing that a person entering a corrective services facility may be required to be screened for COVID-19, including by taking the temperature of that person. The provision also ensures the chief executive has the power to refuse entry where a person displays a high temperature (in excess of 38 degrees Celsius) or flu-like symptoms.

The Regulation also clarifies the ability for offenders subject to relevant orders and managed in the community to be supervised by corrective services officers remotely, supporting social distancing requirements in response to COVID-19.

Under sections 8 and 13 of the COVID-19 Response Act, the Governor in Council may make these extraordinary regulations. Section 8 of the COVID-19 Response Act provides an extraordinary regulation-making power relating to attendance at places or meetings. Section 13 of the COVID-19 Response Act provides an extraordinary regulation-making power relating to modifying statutory time limits.

## **Human Rights Issues**

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

In my opinion, the human rights that are relevant to the Regulation are:

- Right to life (Section 16) (relevant to clause 6 in respect of a person being required to be screened for COVID-19 prior to entering a corrective services facility, and clause 7 in respect of remote supervision).
- Protection from torture and cruel, inhuman or degrading treatment (section 17) (relevant to clause 5 in respect of the extension of the declaration of emergency timeframe, and clause 6 in respect of a person being required to be screened for COVID-19 prior to entering a corrective services facility).
- Freedom of movement (section 19) (relevant to clause 5 in respect of the extension of the declaration of emergency timeframe, and clause 7 in respect of remote supervision).
- Peaceful assembly and freedom of association (section 22) (relevant to clause 5 in respect of the extension of the declaration of emergency timeframe).
- Property rights (section 24) (relevant to clause 5 in respect of the extension of the declaration of emergency timeframe).
- Privacy and reputation (section 25) (relevant to clause 5 in respect of the extension of the declaration of emergency timeframe, and clause 6 in respect of a person being required to be screened for COVID-19 prior to entering a corrective services facility).
- Protection of families and children (section 26) (relevant to clause 5 in respect of the extension of the declaration of emergency timeframe).
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28) (relevant to clause 5 in respect of the extension of the declaration of emergency timeframe).

- Humane treatment when deprived of liberty (section 30) (relevant to clauses 5 in respect of the extension of the declaration of emergency timeframe).
- Fair hearing (section 31) (relevant to clause 4 in respect of the PBQ meeting quorum required for different parole matters).
- Right to education (section 36) (relevant to clause 5 in respect of the extension of the declaration of emergency timeframe).

The amendment to PBQ quorum requirements supports a prisoner's right to a fair hearing by clarifying the current quorum requirements for the PBQ. The amendment does not impact on the diversity of PBQ members present at each meeting or the level of oversight provided for these matters. Rather, the amendment seeks to improve operational efficiencies allowing the PBQ to better respond to the increase of parole applications due to the COVID-19 emergency.

The general requirements under section 231 of the CS Act (for a quorum to consist of three members) and under section 232 of the CS Act (that meetings be presided over by the president, a deputy president, or a professional member) remain. The amendment removing the additional quorum requirement in section 234 of the CS Act allows the PBQ increased flexibility in convening meetings.

The amendment to extend the declaration of emergency timeframe, potentially limits a number of rights analysed below. The potential limit is due to the extension of the timeframe a declaration of emergency can be in place from three days to 90 days or until the Queensland Minister for Health and Minister for Ambulance Services declares and publishes the end of the COVID-19 emergency pursuant to sections 324 and 325 of the *Public Health Act 2005*. Extending the length of time a declaration of emergency can be in place extends restrictions that can be placed on prisoners under a declaration of emergency.

The amendment providing that a person may be required to be screened for COVID-19, including by taking the temperature of that person, prior to entering a corrective services facility, and subsequently may be refused entry to the facility, supports a prisoner's right to life and right to humane treatment when deprived of liberty. It ensures that staff and visitors entering a corrective services facility do not exhibit high temperatures or flu-like symptoms and is aimed at reducing the risk of COVID-19 transmission and mitigating the potential risk of contagion. This may be seen to limit a visitor or staff member's right not to be subjected to medical or scientific experiments or treatment without the person's full, free, and informed consent and right to privacy.

The amendment to provide for remote supervision arrangements of offenders serving court or parole orders in the community supports the right to freedom of movement and right to life of offenders, in that it increases the flexibility to undertake reporting obligations with QCS. The amendment allows the enforcement of social distancing and reduces the risk of staff and offenders contracting COVID-19, mitigating a potential risk of contagion in the community.

### **Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)**

#### **Extension of the declaration of emergency timeframe**

The amendment to the declaration of emergency provision included in the Regulation, potentially limits the following rights:

- Protection from torture and cruel, inhuman or degrading treatment (section 17)
- Freedom of movement (section 19)
- Freedom of association (section 22)
- Property rights (section 24)
- Right to privacy (section 25)
- Protection of families (section 26)
- Cultural rights – Aboriginal peoples and Torres Strait Islander peoples (section 28)
- Humane treatment when deprived of liberty (section 30)
- Right to education (section 36)

(a) the nature of the right

Section 268 of the CS Act enables the chief executive to declare that an emergency exists in relation to a prison for a stated period (not more than three days, unless another declaration is made to take effect or the declaration is sooner revoked) if a situation threatens the security or good order of a prison or the safety of a prisoner or another person in a prison. During a declaration of emergency, the chief executive may undertake a range of activities to respond to the threat to the prison, including restricting any activity in, or access to, the prison, order that prisoners' privileges be withheld, or 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.

The amendment extends the length of time a declaration of emergency can be made, under section 268 of the CS Act, from three days to 90 days or until the Queensland Minister for Health and Minister for Ambulance Services declares and publishes the end of the COVID-19 emergency pursuant to sections 324 and 325 of the PHA.

Section 17(b) of the Human Rights Act ensures an individual has the right not to be treated or punished in a cruel, inhuman or degrading way. The amendment limits the right not to be treated or punished in a cruel, inhuman or degrading way to the extent that isolating prisoners to reduce to risks of COVID-19 transmission may be considered inhuman or degrading in a custodial environment.

Section 19 of the Human Rights Act ensures an individual has the right to move freely within Queensland, and to enter and leave it, and has the freedom to choose where to live. The right to freedom of movement is broad in nature, however the potential limitation of the right occurs where a corrective services facility is forced to restrict movement of staff, visitors, or prisoners in response to the COVID-19 pandemic longer than the current three day timeframe.

Section 22(2) of the Human Rights Act ensures a person has the right to freely associate with others. The amendment may limit the right to the extent that it may extend the restriction of a prisoner's association with other persons beyond the current three day declaration timeframe. The limitation occurs to the extent the prisoner may be unable to receive visits in circumstances where movement is restricted in a corrective services facility to manage COVID-19. This restriction is consistent with the potential restrictions that may be imposed to protect prisoners,

staff, and visitors during a declaration of emergency currently, but ensures the provisions can respond to the anticipated duration of COVID-19.

Section 24(2) of the Human Rights Act ensures a person has the right not to be arbitrarily deprived of the person's property. However, the right does not provide a right to compensation for property. The amendment may limit the right to the extent that the ability of prisoners to receive property, including mail and other items, from outside may necessarily be limited or delayed under a declaration of emergency and the length of that restriction is extended to respond to risk of COVID-19 transmission.

Section 25 of the Human Rights Act protects the individual from all interferences and attacks upon their privacy. This extends to private relationships. The amendment may limit the right to the extent that it extends the length of time a declaration of emergency remains in effect during COVID-19. This may restrict a prisoner's private relationships through visits where a corrective services facility is required to restrict access and contact to manage the risks of COVID-19. This restriction is consistent with the potential restrictions that may be imposed to protect prisoners, staff, and visitors during a declaration of emergency currently, including where an incident necessitates visitors be removed from a facility.

Section 26 of the Human Rights Act provides for the protection of families and children, recognising that families are the fundamental group unit of society and are entitled to be protected by society and the state. The amendment may limit the right to the extent that it extends the length of time a declaration of emergency remains in effect during COVID-19. This may restrict a prisoner's relationship with a family member to the extent the prisoner may be unable to receive visits where a corrective services facility is required to restrict access and contact to manage the risks of COVID-19. This restriction is consistent with the potential restrictions that may be imposed to protect prisoners, staff, and visitors during a declaration of emergency currently, including where an incident necessitates visitors be removed from a facility.

Section 28 of the Human Rights Act protects the distinct cultural rights held by Aboriginal and Torres Strait Islander peoples. This includes cultural heritage, practices, and observances, traditional language and expression, kinship ties, and distinctive relationship with the land. The amendment may limit the right to the extent that it extends the length of time a declaration of emergency remains in effect during COVID-19. This may restrict access to cultural visits or the ability to transfer Aboriginal or Torres Strait Islander prisoners to a prison closer to their family may be restricted to manage to risk of COVID-19 transmission.

Section 30 of the Human Rights Act ensures that a person is treated humanely when deprived of liberty, with respect for the inherent dignity of the human person. The amendment may limit the right to the extent that it extends the length of time a declaration of emergency remains in effect during COVID-19. In responding to COVID-19 a prisoner's privileges may be suspended, and prisoners may need to be quarantined to reduce the risk of COVID-19 spread inside a corrective services facility, the amendment extends the length of time this may occur under a declaration of emergency.

Section 36 of the Human Rights Act ensures that a person has the right to access, based on the person's abilities, to further vocational education and training that is equally accessible to all. The amendment may limit the right to the extent that where a corrective services facility is required to restrict movement and contact between prisoners, more than the current three day

declaration, in response to COVID-19 risks, this may impact the availability of educational services to prisoners.

(b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the limitation on the identified rights through the amendment to extend the emergency declaration period is to give greater certainty about the anticipated need for the declared emergency situation to continue. It ensures that the emergency declaration powers under section 268 of the CS Act are able to address the specific risks associated with COVID-19, including managing transmissibility and the anticipated length of the pandemic. The amendment also ensures that prisoners, staff, and essential visitors remain safe during the COVID-19 emergency, providing a declaration of emergency can be made for up to 90 days or until the Queensland Minister for Health and Minister for Ambulance Services declares and publishes the end of the COVID-19 emergency pursuant to sections 324 and 325 of the PHA.

The staged response to COVID-19 in Queensland's correctional facilities is largely enabled by a declaration of emergency made under section 268 of the CS Act. This emergency declaration power is currently limited to a maximum of three days, requiring a new declaration, approved by the Minister and made by the chief executive, every three days.

This is resource intensive and an unsustainable way to maintain the necessary response to the COVID-19 emergency in prisons over an extended period of time. This process also carries a risk that a new instrument is not signed, for example, due to electronic failure or illness with the consequence that the restrictions and COVID-19 related activities in place at prisons may be unlawful for the period the declaration is not in effect.

The amendment will make it clear, beyond all doubt, that the decisions being made to ensure the safety of staff and prisoners and mitigate the risk of potential contagion in Queensland's corrective services facilities, are lawful. The amendment recognises the significant planning and work underway to ensure Queensland's corrective services facilities remain safe and mitigate the spread of contagion. This includes a staged roll-out of restrictions based on a number of factors, including the advice and support of Queensland's Chief Health Officer.

Protecting the health, safety and wellbeing of people in the Queensland community, including those in the State's custody, from the risk posed by COVID-19 and its spread promotes the right to life (protected under section 16 of the HR Act) in the context of the positive obligations that right places on the State in relation to protecting the health and safety of its citizens. This is a proper purpose consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

A major policy objective of the CS Act is to ensure prisoners are managed in a safe and secure environment according to the risk they pose.

While acknowledging that the extension of the time a declaration of emergency can be in place from 3 to 90 days is a significant alteration in time, it is necessary to respond to the

unprecedented nature of the COVID-19 pandemic, its impact and necessitated response in the correctional environment.

Significant planning has been put in place to ensure business continuity and the safe and secure operation of all elements of the correctional system. QCS has adopted a staged response to implementing restrictions to respond to the COVID-19 emergency and mitigate the spread of contagion in corrective services facilities. The roll-out of these stages has been based on factors, including advice and support of Queensland's Chief Health Officer.

The legislative authority then used to implement the roll-out of stages in the correctional environment is predominantly based on a declaration of emergency made under section 268 of the CS Act. The emergency powers enable measures to be taken to prevent the introduction and spread of COVID-19 into correctional centres, including restricting and limiting movement throughout the correctional system. The custodial environment has had Stage 3 restrictions in place since 27 March 2020.

By extending the time an emergency declaration can be made under section 268 in relation to the COVID-19 emergency from 3 days to 90 days, there will be greater certainty as to the anticipated length of the declared emergency situation, and will enable communication about emergency situation in line with the roll-out of staged restrictions in the correctional environment.

Extending the application of the declaration of emergency powers to up to 90 days or until the Queensland Minister for Health and Minister for Ambulance Services declares and publishes the end of the COVID-19 emergency pursuant to sections 324 and 325 of the PHA, also ensures QCS can continue to respond as necessary to the unique risks surrounding COVID-19, and ensure the safety of prisoners, staff, and essential visitors, without having to re-make the same declaration under section 268 every three days. These powers enable QCS to operationalise policies, such as the '*Managing vulnerable prisoner COVID-19 policy*' which has been implemented to preserve the integrity of the correctional environment and to limit the risk of COVID-19 infection amongst prisoners within QCS facilities. The policy has been made on the basis of contemporary public health advice received from Queensland Health to ensure the health and safety of all prisoners, but especially those prisoners who are identified as vulnerable to COVID-19. A vulnerable prisoner is a prisoner who falls within the category of people identified in the statement published by the Australian Health Protection Principal Committee on 30 March 2020 as being at, or likely to be at, a higher risk or serious illness if infected with COVID-19 (that is: Aboriginal and Torres Strait Islander people aged 50 or over with one or more chronic medical conditions; people aged 65 or over with chronic medical conditions; people aged 70 or over; and people with compromised immune systems). Under the policy, and through the use of the emergency powers, identified vulnerable prisoners will be accommodated and managed by QCS and Queensland Health to best prevent infection. Dependent on advice from Queensland Health, this may include placement into single cell secure accommodation isolation, isolation within an existing residential unit or daily temperature and health checks.

The extension of time these emergency powers are in place ensures that QCS is able to ensure the health and safety of staff and prisoners for the duration of the COVID-19 pandemic period.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

No less restrictive and reasonably available ways of achieving the purpose have been identified. Due to the human to human transfer of the virus, restrictions need to be imposed in the correctional environment to reduce the risk of transmission of the virus both within the correctional environment and from circulating freely amongst the general public.

The ability to rapidly respond to the risk associated with COVID-19 is necessary to mitigate the spread of COVID-19, prevent loss of life, and ensure the health and safety of prisoners, staff, and essential visitors. Ensuring a declaration of emergency can be made for up to 90 days or until the Queensland Minister for Health and Minister for Ambulance Services declares and publishes the end of the COVID-19 emergency pursuant to sections 324 and 325 of the PHA, ensures decisions made by the chief executive to support the health and safety of staff and prisoners in correctional facilities during the pandemic period are lawful, recognising the ongoing nature of the public health emergency.

While acknowledging that the extension of the time a declaration of emergency can be in place from 3 to 90 days is a significant alteration in time, it is necessary to respond to the unprecedented nature of the COVID-19 pandemic. In determining the appropriate period of time for which the emergency declaration should last, consideration was given to the pandemic nature of the virus and its public health implications. As it is likely that the COVID-19 virus will remain an ongoing threat for some time, a longer period of time is considered appropriate. Further, 90 days is consistent with the length of time for which a public health emergency can be declared under the PH Act, and the length of time of emergency declarations have been extended.

There are also a number of safeguards in place.

Firstly, under section 268 the Minister is still required to approve the declaration of emergency, before it is made by the chief executive. Consideration is given to the restrictions proposed as well as the length of time the restrictions are to be in place. While a declaration can be made for up to 90 days under the proposed change, it is unable to be made for longer than the public health emergency for COVID-19 is in place. It is also able to be revoked at anytime by the chief executive.

Secondly, declarations made under section 268 to respond to COVID-19 reflect the roll-out of restrictions in the correctional environment based on advice from the Chief Health Officer. If restrictions are to be eased on the advice of the Chief Health Officer, this will be reflected in a revocation of the declaration, and if required the making of a new declaration of emergency under section 268.

Thirdly, while not required by statute, all declarations made under section 268 in response to COVID-19 have been made publicly available. This will continue to occur. In addition, while not required by statute, the chief executive will review the declaration at least once a month for the duration of the COVID-19 public health emergency. Operationally, the chief executive continues to monitor the COVID-19 situation, and any required response or change of response, on a daily basis, or as further health information or advice comes to light.



Further, the amendment is a temporary measure and will expire on 31 December 2020.

(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

On balance the purpose of the proposed amendment outweighs the potential limitations on the identified rights, noting the limitations on human rights of this amendment will be restricted to responding to the current COVID-19 pandemic and also that they are for the purpose of protecting the health, safety and wellbeing (and right to life) of prisoners, staff, and essential visitors.

(f) any other relevant factors

Nil.

### **Requiring persons to be screened for COVID-19 prior to entering a corrective services facility**

The amendment to require persons to be screened for COVID-19 prior to entering a corrective services facility included in the Regulation, potentially limits the following rights:

- Protection from torture and cruel, inhuman or degrading treatment (section 17)
- Right to privacy (section 25)

(a) the nature of the right

Section 17(c) of the Human Rights Act ensures an individual has the right not to be subjected to medical or scientific experiments or treatment without the person's full, free, and informed consent. The amendment potentially limits the right not to be subjected to medical treatment without full, free, and informed consent to the extent that participation in COVID-19 screen may be a requirement before entering a corrective services facility to mitigate the potential risk of contagion. Further, a person may be refused entry to a corrective services facility where they display a high temperature or flu-like symptoms.

Section 25 of the Human Rights Act protects the individual from all interferences and attacks upon their privacy. This extends to private relationships. The amendment may limit the right to privacy of staff, offenders, and visitors to the extent that they may be required to participate in a COVID-19 screen, including temperature checks before being granted approval to enter a corrective services facility.

(b) the nature of the purpose of the limitation, including whether it is consistent with a free and democratic society based on human dignity, equality and freedom

The purpose of the proposal is to reduce the chance of COVID-19 being introduced to corrective services facilities and to ensure a safe working environment for QCS staff and a healthy and safe living environment for all prisoners while in the State's custody and accommodated in facilities.

A COVID-19 screen prior to entry to a corrective services facility is done via the checking of temperature and review for flu-like symptoms. It is minimally invasive, including through the

use of self-report of symptoms or non-contact thermometers. People exhibiting a temperature over 38 degrees or flu-like symptoms are able to be refused access to a corrective services facility by the chief executive and referred to a fever clinic or emergency room.

The proposal is consistent with QCS's implementation of the '*Managing vulnerable prisoner COVID-19 policy*' which has been implemented to preserve the integrity of the correctional environment and to limit the risk of COVID-19 infection amongst prisoners within QCS facilities. The policy has been made on the basis of contemporary public health advice received from Queensland Health to ensure the health and safety of all prisoners, but especially those prisoners who are identified as vulnerable to COVID-19.

A vulnerable prisoner is a prisoner who falls within the category of people identified in the statement published by the Australian Health Protection Principal Committee on 30 March 2020 as being at, or likely to be at, a higher risk or serious illness if infected with COVID-19 (that is: Aboriginal and Torres Strait Islander people aged 50 or over with one or more chronic medical conditions; people aged 65 or over with chronic medical conditions; people aged 70 or over; and people with compromised immune systems).

Protecting the health, safety and wellbeing of people in the Queensland community, including those in the State's custody, from the risk posed by COVID-19 and its spread promotes the right to life (protected under section 16 of the HR Act) in the context of the positive obligations that right places on the State in relation to protecting the health and safety of its citizens. This is a proper purpose consistent with a free and democratic society based on human dignity, equality and freedom.

(c) the relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose

A major policy objective of the CS Act is to ensure prisoners are managed in a safe and secure environment according to the risk they pose.

Providing for additional entry requirements into Queensland's corrective services facilities ensures QCS can respond to the unique risks surrounding COVID-19 with as little additional intrusion as possible. The COVID-19 screen requirement aims to prevent the introduction and spread of COVID-19 into facilities in a non-invasive way, preventing loss of life, and ensuring the health and safety of prisoners and those working or engaging with the correctional environment.

The amendment aims to protect the right to life for prisoners, visitors, and staff, even where it means other human rights may be restricted.

(d) whether there are any less restrictive and reasonably available ways to achieve the purpose

No less restrictive and reasonably available ways of achieving the purpose have been identified.

Providing that persons seeking access to a corrective services facility may be required to be subject to a COVID-19 screen, and the ability to refuse entry for persons who display a high temperature or flu-like symptoms, is necessary to mitigate the spread of COVID-19, prevent loss of life, and ensure the safety of prisoners, staff, and essential visitors.

The amendment contains an internal limitation restricting its application to corrective services facilities where a declaration of emergency is in place. Further the checking of temperature and review for flu-like symptoms is minimally invasive, including through the use of self-report of symptoms or non-contact thermometers.

This measure supports the health and safety of staff and prisoners in correctional facilities during the pandemic period, recognising the ongoing nature of the public health emergency.

The amendment is a temporary measure and will expire on 31 December 2020.

(e) the balance between the importance of the purpose of the limitation and the importance of preserving the human right, taking into account the nature and extent of the limitation

On balance the purpose of the proposed amendment outweighs the potential limitations on the identified rights, noting the limitations on human rights of this amendment will be restricted to responding to the current COVID-19 pandemic and also that they are for the purpose of protecting the health, safety and wellbeing (and right to life) of prisoners, staff, and essential visitors.

(f) any other relevant factors

Requiring staff and visitors to undertake a COVID-19 screen is consistent with the WHO recommendation for strong infection prevention control measures, including adequate testing and screening, irrespective of whether or not there are suspected cases in the community.

## Conclusion

I consider that the Corrective Services (COVID-19 Emergency Response) Regulation 2020 is compatible with the *Human Rights Act 2019* because while it does limit, restrict or interfere with human rights, those limitations are reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

**Mark Ryan**  
Minister for Police and Minister for Corrective Services

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