

## DIRECTIONS WHILE DECLARATION OF EMERGENCY DATED 5 MARCH 2025 IS IN FORCE - LOCKDOWN

### Sections 263, 271B and s271C of the *Corrective Services Act 2006*

On 5 March 2025, I, Paul Stewart APM, Commissioner, Queensland Corrective Services (**QCS**), with the approval of the Minister for Youth Justice and Victim Support and Minister for Corrective Services, declared that an emergency exists in relation the Affected Centres for the period commencing on 6 March 2025 and expiring at 11:59pm on 19 March 2025 (the **Declaration**).

I have consulted with the State Disaster Coordinator and the Commissioner of the Fire Service in making this declaration.

The reason for the emergency is Tropical Cyclone Alfred is moving west towards the southeast Queensland coast. The Bureau of Meteorology has advised that there is a warning zone from Double Island Point in Queensland to Grafton in New South Wales, including Brisbane, Gold Coast and the Sunshine Coast.

Hazards identified by the Bureau of Meteorology include:

- Gales with damaging wind gusts to 120 kilometres per hour are expected to develop along the southeast Queensland and northeastern New South Wales coastal and island communities between Double Island Point and Grafton from later today and persist on Thursday.
- Destructive wind gusts of up to 155 kilometres per hour may develop about coastal and island locations near and to the south of the track from Thursday afternoon as Alfred's destructive core approaches and crosses the coast.
- A dangerous storm tide may occur along the coastal foreshore, particularly in areas near and south of the cyclone centre, if the time of coastal crossing coincides with the high tide early Friday morning. Tides are likely to rise significantly above the highest high tide mark with damaging waves and dangerous inundation of coastal low-lying areas.
- Heavy rainfall is forecast for southeast Queensland and northeastern New South Wales from Thursday. Heavy to locally intense rainfall which may lead to dangerous and life threatening flash flooding may occur near and south of the cyclone centre as Alfred approaches the coast late on Thursday and persist into Friday.

Having declared that a situation exists that is likely to threaten the good order of the Affected Centres and the safety of the prisoners and staff at the Affected Centres, the situation being the impending landfall of Cyclone Alfred, I consider the following directions necessary to respond to that emergency.

#### **I direct that:**

1. Access to the Affected Centres is limited to employees of the State of Queensland, corrective services officers and emergency service providers.
2. Prisoner privileges, such as phone calls, activities and gymnasium for prisoners at the Affected Centres will be limited to the extent that a General Manager, or Deputy General Manager considers it necessary in light of the impacts of

Cyclone Alfred.

3. That movement within the Affected Centres is restricted to critical prisoner movement only, as determined by the General Manager or Deputy General Manager.

## Definitions

**Affected Centres** means Woodford Correctional Centre, Brisbane Correctional Centre, Arthur Gorrie Correctional Centre, Wolston Correctional Centre, Brisbane Womens Correctional Centre, Southern Queensland Correctional Centre, Borallon Training & Correctional Centre, Palen Creek Correctional Centre, Helana Jones Correctional Centre and Numinbah Correctional Centre.

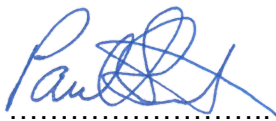
**Employees of the State of Queensland** includes Queensland Police, Queensland Corrective Services and Queensland Health and Health and Hospital Service employees.

**Corrective services officers** is defined as those appointed under s275 of the Corrective Services Act 2006 and includes contracted psychologists who are appointed corrective services officers under the Act.

**Essential service providers** is defined to mean tradespeople, Honeywell contractors or delivery drivers who have been requested to attend an affected centre by the General Manager or Deputy General Manager.

Given the risk to health and safety as a result of Cyclone Alfred, and the purpose of the directions, which are to promote the right to life for both prisoners, staff and visitors, I consider the 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 0:001am on 6 March 2025. These directions will remain in place until revoked or replaced by me.



Paul Stewart APM

Commissioner

Queensland Corrective Services

5 March 2025

## HUMAN RIGHTS IMPACT ASSESSMENT

Under s 8 of the *Human Rights Act 2019*, a decision is compatible with human rights if the decision does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with s 13 of the Act.

Section 13 provides that a human right may be subject under law only to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and sets out factors which may be relevant in deciding whether a limit on human right is reasonable and justifiable.

You should consider:

1. The human rights which may be limited by the decision.
2. The purpose of any limitation (i.e. the purpose of the decision).
3. The relationship between the limitation and its purpose, including whether the limitation helps to achieve the purpose.
4. Whether there are any alternative ways to achieve the purpose which are less restrictive and reasonably available.
5. The importance of the purpose, the importance of human rights which are limited and the balance between those two matters.

The human rights that may be limited by the decision are:

- a. Right to recognition as a person before the law (section 15(1) HRA) as a prisoner's access to in person legal visits is limited.
- b. Right to protection of families (section 26(1) of the HRA) as the powers granted in the declaration limit access to correctional facilities and phone calls which will impact on family members having in person contact with a prisoner. There are also children accommodated at some centres.
- c. Right to cultural rights of Aboriginal peoples and Torres Strait Islander peoples (section 28 of the HRA) as restrict movement, visitor access and activities at facilities. This could include contact visits with cultural visitors, phone calls and activities that would result in a limitation of this right.
- d. Right to humane treatment while deprived of liberty (section 30(1) of the HRA) as the declaration limits in person visits, phone calls, activities and effectively locks down prisoners to their accommodation, overriding the two hours of out of cell time.
- e. Right to freedom of movement (section 19 HRA) as the measures will restrict the movement of staff to a facility and their ability to move freely within Queensland.

The purpose of the limitation is to keep prisoners and staff safe, promoting the right to life. These directions will be used for the limited period of the cyclone crossing land and the immediate period before and after. It is noted that this direction is part of a suite of scaling directions.

There are no alternative ways to achieve the purpose which are less restrictive and reasonably available.

You can be therefore satisfied that the importance of keeping staff and prisoners safe outweighs the limitations on their human rights.