

12 July 2021

Our ref: [BDS: MC]

The Hon Yvette D'Ath MP
Minister for Health and Ambulance Services
GPO Box 48
Brisbane Qld 4001

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The Hon Mark Ryan MP, Minister for Police and Corrective Services and Minister for Fire and
Emergency Services

The Hon Leanne Linard MP, Minister for Children and Youth Justice and Minister for
Multicultural Affairs

The Hon Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for
Women and Minister for the Prevention of Domestic and Family Violence

By email: [REDACTED]

Dear Minister

Access to the COVID-19 vaccination program for people in Queensland correctional facilities and youth and detention facilities

The Queensland Law Society (QLS) is writing to seek clarification as to where prisoners and people in detention, including young people in youth detention over 16 years of age, will be placed within the ongoing COVID-19 vaccination rollout in Queensland. Currently, prisoners are not identified in the COVID-19 vaccine national rollout strategy nor in the COVID-19 vaccine rollout stages published on Queensland Health's website.¹

People in prisons and detention facilities are particularly vulnerable to the impacts of COVID-19. People in prisons tend to have poorer physical and mental health than the general population, elevating the risks associated with COVID-19.² Almost one-third of people entering prison have a chronic medical condition like asthma, cancer, cardiovascular disease, diabetes

¹ Queensland Health, *Queensland Rollout* <<https://www.qld.gov.au/health/conditions/health-alerts/coronavirus-covid-19/protect-yourself-others/covid-19-vaccine/rollout>>; Australian Government, *Australia's COVID-19 vaccine national roll-out strategy*, <<https://www.health.gov.au/sites/default/files/documents/2021/01/covid-19-vaccination-australia-s-covid-19-vaccine-national-roll-out-strategy.pdf>>

² Law Council of Australia, *The Justice Project: Prisoners and Detainees* (Final Report, August 2018) 12 <<https://www.lawcouncil.asn.au/files/web-pdf/Justice%20Project/Final%20Report/Prisoners%20and%20Detainees%20%28Part%201%29.pdf>>

Access to the COVID-19 vaccination program for people in Queensland correctional facilities and youth detention facilities

or live with disability.³ A significant number of people in prisons are Aboriginal and Torres Strait Islander Peoples, who also suffer from higher rates of chronic health issues than non-Indigenous people.⁴ The significant rates of morbidity within the Australian prison population places them at risk of complications and compromised health, and a COVID-19 outbreak in this context would have severe consequences.

Prison populations also face an increased risk of transmission due to close living arrangements and an inability to socially distance and isolate or quarantine. These conditions make outbreaks difficult to prevent and control. An outbreak of COVID-19 within a prison presents a risk to the broader community, as corrective services employees and people cycling through the criminal justice system risk carrying the disease from the prison into the community.

In addition to the health risks associated with COVID-19, prisoners are significantly and adversely affected by preventative measures such as lockdowns. Due to the high risks of transmission within prisons, prison populations are typically one of the first groups to be locked down, often suspending their ability to contact their family and friends, seek legal representation and advice and access other important services. Such measures compromise prisoners' ability to maintain healthy and essential contact with the outside world, and access services related to their legal rights and health.

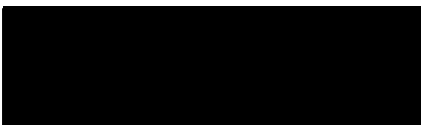
Given the risks associated with prison populations and the significant impacts of preventative measures such as lockdowns, QLS considers that prisoners should be vaccinated as a matter of priority. Priority should also be afforded to persons working in or around corrective services or youth detention facilities.

Vaccinating prisoners, visitors and workers would alleviate the need for stage 3 restrictions to be implemented whenever there are incidences of community transmission, limiting the requirement for isolation and lockdown of prisoners. It would also better facilitate access for service providers with in-custody clients, including better access to lawyers and important legal advice.

If prisoners and people in detention facilities and persons working with correction facilities do not form part of a priority group, QLS would appreciate clarification around what arrangements are being made for those who otherwise fall within priority categories, such as Aboriginal and Torres Strait Islander Peoples over 55, elderly people and individuals with medical conditions.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via policy@qls.com.au or by phone on (07) 3842 5930.

Yours faithfully



Kara Thomson
Vice President

³ Human Rights Law Centre, *Prisons and COVID-19* (accessed 1 April 2021)
<<https://www.hrlc.org.au/prisons-and-covid19>>

⁴ Ibid.