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Public Health and Wellbeing Act 2008

Section 200

DIRECTIONS FROM DEPUTY CHIEF HEALTH OFFICER (COMMUNICABLE DISEASE) IN ACCORDANCE WITH EMERGENCY POWERS ARISING FROM DECLARED STATE OF EMERGENCY

Hospital Visitor Directions

I, Dr Annaliese van Diemen, Deputy Chief Health Officer (Communicable Disease), consider it reasonably necessary to protect public health to give the following directions pursuant to sections 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.):

Preamble

1. The purpose of these directions is to prohibit non-essential visits to hospitals in order to limit the spread of Novel Coronavirus 2019 (2019-nCoV).

Citation

2. These directions may be referred to as the **Hospital Visitor Directions**.

Directions

Prohibition on entry

3. A person must not enter, or remain at, a hospital in the State of Victoria between midnight on 23 March 2020 and midnight on 13 April 2020 unless:
 - a. the person is a **patient** of the hospital, as defined in paragraph 5; or
 - b. the person is a **worker**, as defined in paragraph 6; or
 - c. the person is a **visitor**, as defined in paragraph 7; or
 - d. the person is present in an area of the hospital in respect of which an exemption under paragraph 11 is in force.

Excluded persons

4. Despite paragraph 3, a person referred to in paragraph 3 (b), (c), or (d) must not enter or remain at a hospital in the State of Victoria between midnight on 23 March 2020 and midnight on 13 April 2020 if:
 - a. the person has been diagnosed with 2019-nCoV, and has not yet met the criteria for discharge from isolation, as per the current Department of Health and Human Services requirements; or
 - b. during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia; or
 - c. during the 14 days immediately preceding the entry, the person had known contact with a person who has a confirmed case of 2019-nCoV; or
 - d. the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection.

Patients

5. For the purposes of these directions, a **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital.

Workers

6. For the purposes of these directions, a person is a **worker** if:
 - a. the person is an employee or contractor of the hospital or a student under the supervision of an employee or contractor of the hospital; or

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- b. the person's presence at the hospital is for the purposes of providing health, medical or pharmaceutical goods or services to a patient of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or
- c. the person's presence at the hospital is for the purposes of providing goods or services that are necessary for the effective operation of the hospital, whether the goods or services are provided for consideration or on a voluntary basis; or
Note: Union and employer representatives are covered by this paragraph.
- d. the person's presence at the hospital is required for the purposes of emergency management or law enforcement.

Visitors

- 7. For the purposes of these directions, a person is a **visitor** if:
 - a. in the case of a patient of the hospital aged under 18 years – the person is the parent or guardian of the patient or has temporary care of the patient; or
 - b. in the case of a patient of the hospital with a **disability** – the person is the carer of the patient; or
 - c. in the case of a pregnant patient of the hospital whose status as a patient relates to the pregnancy – the person is the patient's partner or support person; or
 - d. in the case of a patient of the hospital attending at the hospital's emergency department – a person accompanying the patient; or
 - e. in the case of a patient of the hospital attending an outpatient appointment – a person accompanying the patient; or
 - f. the person's presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - g. the person's presence at the hospital is for the purposes of a **care and support visit** to a patient of the hospital on a particular day.
- 8. For the purposes of these directions, a **care and support visit** (see paragraph 7(g)), in relation to a patient of a hospital, means a visit of no longer than 2 hours made to the patient by one person, or two persons together, for the purposes of providing care and support to the patient.

Note: Aside from a care and support visit under paragraph 7(g), these directions do not impose any time limit on the period that a visitor within paragraphs 7(a) to (f) may attend a hospital. However, all visitors will remain subject to each hospital's local operating procedure.

- 9. A patient may only have one **care and support visit** each day.
- 10. No more than two **visitors** may visit a patient at one time.

Exemption power

- 11. The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from these directions in respect of a specified area of a hospital if the Chief Health Officer or the Deputy Chief Health Officer, as the case requires, is satisfied, having regard to the need to limit the spread of 2019-nCoV, that an exemption is appropriate due to:
 - a. the nature of the area; or
 - b. the existing limits on the number of people that may be present in the area (whether because of the operation of a direction under the **Public Health and Wellbeing Act 2008** (Vic.), or otherwise).

Operator to take all reasonable steps

- 12. The operator of a hospital in the State of Victoria must take all reasonable steps to ensure that a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so under paragraph 3, 4, 9 or 10.

Other Definitions

For the purposes of these directions:

13. **Hospital** means:
 - a. a public hospital; or
 - b. a denominational hospital; or
 - c. a multi-purpose service; or
 - d. a private hospital; or
 - e. a day procedure centre.
14. **Operator** of a hospital means a person who owns, controls or operates the hospital.
15. The following expressions have the same meanings as they have in the **Health Services Act 1988**:
 - a. day procedure centre;
 - b. denominational hospital;
 - c. multi-purpose service;
 - e. public hospital;
 - d. private hospital.
16. **Disability** has the same meaning as it has in the **Equal Opportunity Act 2010**.

PENALTIES

Section 203 of the **Public Health and Wellbeing Act 2008** (Vic.) provides:

Compliance with direction or other requirement

- (1) A person must not refuse or fail to comply with a direction given to the person, or a requirement made of the person, in the exercise of a power under an authorisation given under section 199.

Penalty: In the case of a natural person, 120 penalty units.
In the case of a body corporate, 600 penalty units.
- (2) A person is not guilty of an offence against subsection (1) if the person had a reasonable excuse for refusing or failing to comply with the direction or requirement.

Dated 23 March 2020

DR ANNALIESE VAN DIEMEN
Deputy Chief Health Officer (Communicable Disease)
as authorised to exercise emergency powers by the Chief Health Officer
under section 199(2)(a) of the **Public Health and Wellbeing Act 2008** (Vic.).

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