



Victoria Government Gazette

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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 (No. 5)

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 section 200(1)(b) and (d) of the **Public Health and Wellbeing Act 2008** (Vic.) (**PHW Act**):

1 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**).
- (2) These directions replace the **Hospital Visitor Directions (No. 4)** given on 31 May 2020, and:
 - (a) permit visitors who have been diagnosed with 2019-nCoV, and have not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 2)** to:
 - (i) visit a patient for the purposes of end of life support;
 - (ii) visit a patient whose medical condition is life threatening and that patient is an immediate family member of the visitor;

where the visitor is authorised to enter or remain at the hospital by both an officer of the hospital with the position of Executive Director Nursing or equivalent and the Chief Health Officer or Deputy Chief Health Officer of the **Department**.

2 Revocation

The **Hospital Visitor Directions (No. 4)** are revoked at 11:59:00 pm on 16 June 2020.

3 Citation

- (1) These directions may be referred to as the **Hospital Visitor Directions (No. 5)**.
- (2) A reference in any other direction to the **Hospital Visitor Directions (No. 4)** is taken to be a reference to these directions.

4 Prohibition on entry

- (1) A person must not enter, or remain at, a **hospital** in Victoria between (and including) 11:59:00 pm on 16 June 2020 and 11:59:00 pm on 21 June 2020 unless:
 - (a) the person is a **patient** of the hospital; or
 - (b) the person is a **worker** in relation to the hospital, as defined in clause 5; or
 - (c) the person is a **visitor** in relation to a patient of the hospital, as defined in clause 6; or
 - (d) the person is present in an area of the hospital in respect of which an exemption under clause 7 is in force.

Excluded persons

- (2) Despite subclause (1), a worker or a visitor or a person referred to in subclause (1)(d) must not enter or remain at a hospital in Victoria between (and including) 11:59:00 pm on 16 June 2020 and 11:59:00 pm on 21 June 2020 if:
 - (a) the person has been diagnosed with 2019-nCoV, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions (No. 2)**; or

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- (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 been diagnosed with 2019-nCoV; or
Note: a person who has had known contact with a person who has been diagnosed with 2019-nCoV may also be required to self-quarantine under the Diagnosed Persons and Close Contacts Directions (No. 2).
- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection.

Hospital may permit certain excluded persons to visit

- (3) Despite subclause (2), a person referred to in subclause (2)(c) may enter or remain at a hospital if:
 - (a) the person is:
 - (i) a visitor in relation to a patient under clause 6(1)(a), and is the parent or guardian of the patient or has temporary care of the patient; or
 - (ii) a visitor in relation to a patient under clause 6(1)(c), and the purpose of the visit is to attend the birth of the patient's child; or
 - (iii) a visitor in relation to a patient under clause 6(1)(f); and
 - (b) the person is authorised to enter or remain at the hospital by an officer of the hospital with the position of Executive Director Nursing and Midwifery or equivalent.
Note: a hospital may determine whether it will allow persons who have been in close contact with a person who has been diagnosed with 2019-nCoV to visit the hospital, and what conditions it will impose on such visits. A hospital may make such allowance only in relation to parents, guardians or temporary carers visiting their child, partners or support persons of pregnant patients attending the birth of a child, and end-of-life scenarios.
- (4) Despite subclause (2), a person referred to in subclause (2)(a) may enter or remain at a hospital if:
 - (a) the person is:
 - (i) a visitor in relation to a patient under clause 6(1)(f); or
 - (ii) a visitor in relation to a patient whose medical condition is life threatening and that patient is an immediate family member of the visitor; and
 - (b) the person is authorised to enter or remain at the hospital by both an officer of the hospital with the position of Executive Director Nursing or equivalent, with the approval of the Chief Health Officer or Deputy Chief Health Officer of the Department.
Note: a hospital may determine whether it will allow persons who have been diagnosed with 2019-nCoV and have not yet been given, or taken to have been given, clearance from self-isolation under the Diagnosed Persons and Close Contacts Directions (No. 2) to visit the hospital, and what conditions it will impose on such visits. If the hospital does consent to the visit, the prior approval of the Chief Health Officer or Deputy Chief Health Officer of the Department is also required. The Chief Health Officer or the Deputy Chief Health Officer of the Department may allow or refuse that visit, and if allowed, may also impose conditions on such a visit.
- (5) Only one visitor referred to in subclause (3)(a)(ii) may be authorised under subclause (3)(b) in relation to a particular patient.
Note: a pregnant patient may still have 2 visitors attend the birth, provided only one of them requires authorisation under subclause (3)(b): see clause 6(4).
- (6) A person permitted to enter or remain at a hospital under subclause (3) must comply with any direction in relation to their visit given to them by the officer of the hospital who authorised their visit under subclause (3)(b).

- (7) A person permitted to enter or remain at a hospital under subclause (4) must comply with any direction in relation to their visit given to them by the officer of the hospital who authorised their visit under subclause (4)(b) and any conditions imposed by the Chief Health Officer or the Deputy Chief Health Officer of the Department.
- (8) An officer of the hospital referred to in subclause (3)(b) or subclause 4(b) as the case may be must keep, in relation to each person to whom they give authorisation under that subclause, a record of:
 - (a) the contact details of the person; and
 - (b) the date and time at which that person entered and left the hospital;for at least 28 days from the day the authorisation is given.

5 Definition of worker

- (1) A person is a **worker** in relation to a hospital 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
 - (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 is a **disability worker** and the person's presence at the hospital is for the purposes of providing a **disability service** to a patient with a **disability**; or
 - (d) 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.*
 - (e) the person's presence at the hospital is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

6 Definition of visitor

- (1) A person is a **visitor** in relation to a patient of a hospital 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 – the person is accompanying the patient; or
 - (e) in the case of a patient of the hospital attending an outpatient appointment – the person is 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.

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

- (2) **Care and support visit** means a visit of no longer than 2 hours made to a patient by one person, or 2 persons together, for the purposes of providing care and support to the patient.
- (3) A patient may have up to 2 care and support visits each day, provided:
 - (a) the total duration of a patient's care and support visits each day does not exceed 2 hours; and
 - (b) a patient receives care and support visits from no more than 2 persons in total each day.
- (4) No more than 2 **visitors** may visit a patient at one time.

7 Exemption power

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:

- (1) the nature of the area; or
- (2) 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 PHW Act, or otherwise).

8 Operator to take all reasonable steps

The **operator** of a hospital in 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 by clause 4.

9 Other Definitions

For the purposes of these directions:

- (1) **Department** means the Victorian Department of Health and Human Services;
- (2) **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;
- (3) **operator** of a hospital means a person who owns, controls or operates the hospital;
- (4) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (5) the following expressions have the same meaning that they have in the **Disability Service Safeguards Act 2018**:
 - (a) disability;
 - (b) disability service;
 - (c) disability worker;
- (6) 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;
 - (d) public hospital;
 - (e) private hospital.

10 Penalties

Section 203 of the PHW Act 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 16 June 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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