

Directions from Deputy Public Health Commander in accordance with emergency powers arising from declared state of emergency

Hospital Visitor Directions (No 11)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Associate Professor Michelle Giles, Deputy Public Health Commander, consider it reasonably necessary to eliminate or reduce the risk to public health—and 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 10)**.

2 Revocation

The **Hospital Visitor Directions (No 10)** are revoked at 11:59:00pm on 13 September 2020.

3 Citation

These directions may be referred to as the **Hospital Visitor Directions (No 11)**.

4 Prohibition on entry

- (1) A person must not enter, or remain at, a **hospital** in Victoria between (and including) 11:59:00pm on 13 September 2020 and 11:59:00pm on 11 October 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, and the person's visit complies with the limits in that clause; 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) 11:59:00pm on 13 September 2020 and 11:59:00pm on 11 October 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 11)**; 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 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 11)**.*

- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
- (e) the person is aged under 16 years, other than in circumstances where:
 - (i) the person's presence at the hospital is for the purposes of end of life support for a patient; and
 - (ii) the person is a child, grandchild or sibling of the patient; or
- (f) in the case of a visitor—the person has been tested for 2019-nCoV, and has not yet received the results of that test.

Hospital may permit certain excluded persons to visit

(3) Despite subclause (2), a person referred to in subclause (2)(b), (2)(c) or (2)(f) may enter or remain at a hospital if:

- (a) the person is:
 - (i) a visitor in relation to a patient under clause 6(2)(a); or
 - (ii) a visitor in relation to a patient under clause 6(2)(f), 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(2)(j); or
 - (iv) a visitor in relation to a patient under clause 6(2)(k); 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 a person who has been in close contact with a person who has been diagnosed with 2019-nCoV, who has recently arrived from overseas, or who has been tested for 2019-nCoV and has not yet received the results of their test to visit the hospital in certain specified circumstances, and what conditions it will impose on such visits.

- (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(2)(a), and the purpose of the visit is to breastfeed the patient;
 - (ii) a visitor in relation to a patient under clause 6(2)(j); or
 - (iii) a visitor in relation to a patient under clause 6(2)(k); and
 - (b) the person is authorised to enter or remain at the hospital by:
 - (i) an officer of the hospital with the position of Executive Director Nursing or equivalent; and
 - (ii) the Chief Health Officer or Deputy Chief Health Officer.

*Note: a person who 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 11)** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by both the hospital and the Chief Health Officer or the Deputy Chief Health Officer, and can be subject to conditions: see subclause (6).*

- (5) A person permitted to enter or remain at a hospital under subclause (3) must comply with any directions or conditions imposed in relation to their visit by the officer of the hospital who authorised their visit under subclause (3)(b).
- (6) A person permitted to enter or remain at a hospital under subclause (4) must comply with any directions or conditions imposed in relation to their visit by either or both of:
- (a) the officer of the hospital who authorised their visit under subclause (4)(b)(i); and
 - (b) the Chief Health Officer or the Deputy Chief Health Officer.
- (7) An officer of the hospital referred to in subclause (3)(b) or subclause (4)(b)(i) 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:
 - (i) 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; and
- (ii) has been arranged by appointment in advance; and
 - (iii) is approved by an officer of the hospital with the position of Chief Medical Officer, Chief Operating Officer, or equivalent; 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, limits on visits

- (1) A person is a **visitor** in relation to a patient of a hospital if:
 - (a) the person is described in one of subclauses (2)(a) to (2)(m); and
 - (b) the person's visit to the hospital satisfies the limits specified in italics below the relevant subclause.
- (2) A person may visit a patient in 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

Limit: only 1 visitor at any one time.
 - (b) in the case of a patient of the hospital aged 18 years or over—the person is the parent, guardian, partner, carer or support person of the patient, and the person's presence at the hospital is for the purpose of providing emotional and social support to the patient that cannot be provided by that person via electronic or other non-contact means; or

Limit: only 1 visitor, once per day, for a maximum of 1 hour.
 - (c) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate physical wellbeing that optimises the care and support delivered by workers at the hospital and cannot be provided by that person via electronic means; or

Limit: only 1 visitor at any one time.

Example: providing ongoing support, assistance or personal care to a patient with activities of daily living such as showering, dressing, or meals.

- (d) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional and social wellbeing (including mental health supports) that optimises the care and support delivered by workers at the hospital and cannot be provided by that person via electronic means; or
- Limit: only 1 visitor at any one time.*
- Example: the person's physical presence is necessary to support individual behaviours of concern, such as for people living with dementia or who have a known or emerging serious mental illness.*
- (e) the person's presence at the hospital is for the purposes of providing interpreter or informal language support to enable the delivery of care by workers at the hospital; or
- Limit: only 1 visitor at any one time.*
- (f) 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
- Limit: only 1 visitor at any one time.*
- (g) in the case of a patient of the hospital who is in a maternity ward—the person is the patient's partner or support person; or
- Limit: only 1 visitor, once per day, for a maximum of 2 hours.*
- (h) in the case of a patient of the hospital attending at the hospital's emergency department—the person is accompanying the patient; or
- Limit: only 1 visitor, once per day, for a maximum of 1 hour.*
- (i) in the case of a patient of the hospital attending an outpatient appointment—the person is accompanying the patient; or
- Limit: only 1 visitor, once per day, for a maximum of 1 hour.*
- (j) the person's presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
- Limit: maximum of 2 visitors at any one time.*
- (k) in the case of a patient of the hospital whose medical condition is life threatening—the person is an immediate family member of the patient; or
- Limit: maximum of 2 visitors at any one time.*
- (l) in the case of a patient of the hospital who has a mental illness—the person is the patient's **nominated person** and the person's presence at the hospital is for the purposes of matters relating to their role as nominated person; or
- Limit: only 1 visitor at any one time, for a maximum of 1 hour per visit.*

- (m) the person's presence at the hospital is for the purposes of the person learning to support the patient's care upon the patient's discharge.

Limit: only 1 visitor, once per day, for a maximum of 1 hour.

Examples: learning how to care for a newborn, or to manage specific needs in a home setting.

- (3) Except in the situations referred to in subclause (2)(j) or (k), no more than 1 visitor may visit a patient at any 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:

- (1) a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so by clause 4; and
- (2) a record is kept, in relation to each person who enters or remains at the hospital as a visitor under these Directions 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 of the entry.

9 Other Definitions

For the purposes of these directions:

- (1) **contractor**, in relation to a hospital means a person engaged as a contractor by the operator of the hospital in relation to the provision of health, medical or pharmaceutical services by the hospital;

Examples: Visiting Medical Officers, locum doctors.

- (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) **nominated person** in relation to a patient has the same meaning as in the **Mental Health Act 2014**;
- (4) **operator** of a hospital means a person who owns, controls or operates the hospital;
- (5) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;
- (6) 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;
- (7) 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.



Associate Professor Michelle Giles

Deputy Public Health Commander, as authorised to exercise emergency powers by the Chief Health Officer under section 199(2)(a) of the PHW Act.

13 September 2020