

Directions from Deputy Chief Health Officer in accordance with emergency powers arising from declared state of emergency

Hospital Visitor Directions (No 17)

Public Health and Wellbeing Act 2008 (Vic)

Section 200

I, Dr Clare Looker, Deputy Chief Health Officer, 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 sections 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 certain visits to **hospitals** in order to limit the spread of severe acute respiratory syndrome coronavirus 2 (**SARS-CoV-2**).
- (2) These directions replace the **Hospital Visitor Directions (No 16)**, and remove the limitations on the purpose, number and time limits for visitors to **patients** of hospitals.

2 Citation

- (1) These directions may be referred to as the **Hospital Visitor Directions (No 17)**.
- (2) A reference in any other direction to the **Hospital Visitors Directions (No 16)** is taken to be a reference to these directions.

3 Revocation

The **Hospital Visitor Directions (No 16)** are revoked at 11:59:00pm on 3 January 2021.

4 Prohibition on entry

- (1) A person must not enter, or remain at, a hospital in Victoria between (and including) 11:59:00pm on 3 January 2021 and 11:59:00pm on 29 January 2021 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; or
 - (d) the person is present in an area of the hospital in respect of which an exemption under clause 6 is in force.

Excluded persons

- (2) Despite subclause (1), a worker or a visitor to a patient, 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 3 January 2021 and 11:59:00pm on 29 January 2021 if:
- (a) the person has been diagnosed with SARS-CoV-2, and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions**; 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 SARS-CoV-2; or
- Note: a person who has had known contact with a person who has been diagnosed with SARS-CoV-2 may also be required to self-quarantine under the **Diagnosed Persons and Close Contacts Directions**.*
- (d) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection; or
 - (e) in the case of a visitor—the person has been tested for SARS-CoV-2, 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)(a) may enter or remain at a hospital if:
- (a) the person is:
 - (i) the **parent, carer or guardian** of the patient, or has temporary care of the patient, and the purpose of the visit is to breastfeed the patient; or
 - (ii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (iii) an immediate family member of a patient whose medical condition is life threatening; 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 SARS-CoV-2 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Diagnosed Persons and Close Contacts Directions** may be authorised to visit the hospital under this subclause. Such authorisation has to be given by the hospital and the Chief Health Officer or the Deputy Chief Health Officer, and can be subject to conditions: see subclause (6).*

- (4) Despite subclause (2), a person referred to in subclause (2)(b), (2)(c) or (2)(e) may enter or remain at a hospital if:
- (a) the person is:
 - (i) the parent, carer or guardian of the patient, or has temporary care of the patient; or
 - (ii) the partner or support person of a pregnant patient of the hospital, and the purpose of the visit is to attend the birth of the patient's child; or
 - (iii) a person whose presence at the hospital is for the purposes of end of life support for a patient of the hospital; or
 - (iv) an immediate family member of a patient whose medical condition is life threatening; 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 SARS-CoV-2, who has recently arrived from overseas or who has been tested for SARS-CoV-2 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.

- (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 (4)(b).
- (6) 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 either or both of:
- (a) the officer of the hospital who authorised their visit under subclause (3)(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)(i) 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:

- (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 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 SARS-CoV-2, 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).

7 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; and
- (3) the hospital facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers and support

persons of patients to support the physical, emotional and social wellbeing (including mental health) of patients.

8 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) **Diagnosed Persons and Close Contacts Directions** means the **Diagnosed Persons and Close Contacts Directions (No 15)** as amended or replaced from time to time;

- (3) **end of life**, in relation to a patient:

- (a) means a situation where the patient's death is expected within days (including periods of 14 days or longer), or where the patient, with or without existing conditions, is at risk of dying from a sudden acute event;
- (b) does not mean a situation where a patient has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the patient is expected to die within 12 months (except where the situation also falls within paragraph (a)).

- (4) **hospital** means:

- (a) a public hospital;
- (b) a denominational hospital;
- (c) a multi-purpose service;
- (d) a private hospital; or
- (e) a day procedure centre;

- (5) **operator** of a hospital means a person who owns, controls or operates the hospital;

- (6) **parent, carer or guardian** in relation to a patient aged under 18 means an adult in a significant primary caring role, including biological, adoptive, or foster parents, kinship carers, step-parents and legal guardians;

- (7) **patient** of a hospital means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital;

- (8) 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;

(9) 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; and
- (e) private hospital.

9 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.



Dr Clare Looker

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

3 January 2021