

Guidance for the Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2)

This Order prohibits certain visitors and workers attending hospitals and care facilities to protect vulnerable persons from harm caused by the transmission of COVID-19. A care facility includes residential services, assistance dwellings, residential aged care facilities and the Thomas Embling Hospital.

An operator of a hospital or care facility must not permit an excluded person to visit the premises except in limited circumstances.

An operator of a hospital or care facility must not permit certain visitors to enter the premises unless they are either fully vaccinated, provide evidence of a negative result from a COVID-19 rapid antigen test or fall under a relevant exception.

The operator of a hospital or care facility is required to:

- (a) restrict the number of visitors per patient or resident per day; and
- (b) restrict the number of visitors with prospective residents.

A child or dependant accompanying a parent, carer or guardian may not be counted in the restrictions on the number of visitors per day, in certain circumstances.

An operator of a hospital or care facility is also required to take all reasonable steps to:

- (a) facilitate telephone, video or other electronic communication with patients and family and support persons to ensure the physical, emotional and social wellbeing of patients and residents;
- (b) ensure that an excluded person does not enter the premises; and
- (c) keep records all visitor details and times of entry and exit for at least 28 days from the day of entry.

Failure to comply with this Order may result in penalties.

This guidance does not form part of the Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2) and is for explanatory purposes only.

**Pandemic (Visitors to Hospitals and Care Facilities)
Order 2022 (No. 2)**

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Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2)

I, Martin Foley, Minister for Health, make the following Order under the **Public Health and Wellbeing Act 2008** in the belief that this Order is reasonably necessary to protect public health throughout Victoria from the serious risk arising from the coronavirus (COVID-19) pandemic disease.

Part 1 – Preliminary

1. Objective

The objective of this Order is to restrict access to hospitals and care facilities in order to limit the spread of COVID-19 within a particularly vulnerable population, balancing the need to limit the spread of COVID-19 against the broader responsibilities of operators to the physical, emotional and psychological wellbeing of their clients.

2. Citation

This Order may be referred to as the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2)**.

3. Authorising provision

This Order is made under section 165AI of the **Public Health and Wellbeing Act 2008**.

4. Commencement and revocation

- (1) The **Pandemic (Visitors to Hospitals and Care Facilities) Order 2022 (No. 2)** commences at 11:59:00pm on 12 January 2022 and ends at 11:59:00pm on 12 April 2022.
- (2) The **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)** is revoked at 11:59:00pm on 12 January 2022.

5. Definitions

Terms used in this Order have the meanings set out in Schedule 1.

6. Application of this Order

This Order applies to the whole State of Victoria.

Part 2 – Entry Requirements for Hospitals

7. Prohibition on entry

A person must not enter, or remain at, a hospital unless:

- (1) the person is a patient of the hospital; or
- (2) the person is a hospital worker, as defined in Schedule 1, and the entry is not otherwise prohibited under this Order; or
- (3) the person is a visitor of a patient of the hospital and the visit is not otherwise prohibited under this Order; or
- (4) the person is present in an area of the hospital in respect of which an exemption under clause 17 is in force.

Note: hospitals also set visiting rules separate to this Order that may include additional requirements, conditions or restrictions that apply to visitors.

8. Entry Requirements

An operator of a hospital must not permit a visitor of a patient to enter, or remain at, the hospital for the purpose of having in-person contact with any patient except if:

- (1) for visitors who are aged 18 years or over:
 - (a) they are fully vaccinated; or
 - (b) they are not fully vaccinated and:
 - (i) present acceptable evidence of a negative result from a COVID-19 rapid antigen test undertaken on the same day that the visitor attends the hospital; and
 - (ii) wear an N95 face covering for the duration of their visit; or

*Note: for visitors under subclause **Error! Reference source not found.**, face covering requirements contained within the **Movement and Gathering order** continue to apply.*

- (2) for visitors who are aged under 18 years:
 - (a) they are fully vaccinated; or
 - (b) they are not fully vaccinated and present evidence of a negative result from a COVID-19 rapid antigen test undertaken on the same day that the visitor attends the hospital.

*Note: for all visitors aged under 18 years, face covering requirements contained within the **Movement and Gathering Order** continue to apply.*

9. Exceptions to Entry Requirements

- (1) The obligations in clause 8 do not apply to an operator of a hospital in relation to the following persons:
 - (a) a person who is visiting for the purpose of providing end-of-life support to a patient of the hospital; or
 - (b) a person who is an essential carer of a patient, where undertaking a COVID-19 rapid antigen test prior to entry is not practicable; or
 - (c) a person who has undertaken a COVID-19 PCR test within 24 hours prior to visiting the hospital and provided acceptable evidence of a negative result from that test to the operator of the hospital; or
 - (d) a person providing professional patient care, including but not limited to:
 - (i) emergency workers in the event of an emergency; and
 - (ii) ambulance workers; and
 - (iii) visiting healthcare professionals; or
 - (e) a person who has a physical or mental health illness or condition, or disability, which makes both vaccination and COVID-19 rapid antigen testing unsuitable; or
 - (f) a person for whom both vaccination and COVID-19 rapid antigen testing are not safe in all the circumstances.
- (2) The obligation in clause 8(1)(b)(ii) does not apply to an operator of a hospital in relation to a person who is not required to wear a face covering under the **Movement and Gathering Order**.

10. Hospital excluded persons

Despite clauses 7, 8 and 9, a hospital worker or a visitor to a patient, or a person referred to in clause 7(4), as applicable, must not enter or remain at a hospital if the person is an excluded person.

11. Hospital may permit certain hospital excluded persons to visit

- (1) Despite clause 10, a person referred to in paragraphs (1) and (6) of the definition of hospital excluded person 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 of Nursing or equivalent; and
 - (ii) the Chief Health Officer or Deputy Chief Health Officer.

*Note: a person who has been diagnosed with COVID-19 and has not yet been given, or taken to have been given, clearance from self-isolation under the **Quarantine, Isolation and Testing Order** 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 (2).*

- (2) A person permitted to enter or remain at a hospital under subclause (1) 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 (1)(b)(i); and
 - (b) the Chief Health Officer or the Deputy Chief Health Officer.
- (3) Despite clause 10, a person referred to in paragraphs (2), (4) or (5) of the definition of hospital excluded person 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 of 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 COVID-19, who has recently arrived from overseas or who has been tested for COVID-19 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) 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).
- (5) An officer of the hospital referred to in subclause (1)(b)(i) or subclause (3)(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.
- (6) A record under subclause (5) must be kept for at least 28 days from the day the authorisation is given.

12. Restrictions on visitors of patients (end of life)

Where a visitor is visiting for the purposes of providing end of life support to a patient, the operator of a hospital must not permit more than two visitors of a patient to enter or remain on the premises at any one time in relation to that patient.

13. Restrictions on visitors of patients (other)

- (1) A person may visit a patient in a hospital if:
 - (a) the person's presence at the hospital is for the purposes of providing essential care and support necessary for the patient's immediate emotional or physical wellbeing (including mental health support and support for people living with dementia); or
 - (b) in the case of a patient of the hospital aged under 18 years – the person is the parent, carer or guardian of the patient or has temporary care of the patient; or
 - (c) in the case of a patient of the hospital who has a mental illness or is living with dementia – 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

- (d) 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 hospital workers; or
 - (e) 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; or
 - (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
 - (g) in the case of a patient of the hospital who is in a maternity ward whose status as a patient relates to pregnancy or childbirth – the person is the patient's partner or support person; or
 - (h) in the case of a patient of the hospital attending at the hospital's emergency department – the person is accompanying the patient; or
 - (i) in the case of a patient of the hospital attending an outpatient appointment – the person is accompanying the patient.
- (2) Where a visitor is visiting for a purpose specified in subclause (1), the operator of a hospital must not permit:
- (a) more than two visitors of a patient to enter or remain on the premises at any one time in relation to that patient; and
 - (b) more than two visitors of a patient to enter or remain on the premises per day in relation to that patient.

14. Child or dependent visitors

- (1) If a person is visiting a hospital for the purposes of providing end of life support to a patient or for a purpose specified in clause 13(1) and they are a parent, carer or guardian of a child or dependant, the child or dependant may accompany that person when attending the hospital and they are not counted in a visitor limit under clause 12 or clause 13 if the visitor cannot be present at the hospital without the child or dependant because the visitor cannot—
 - (a) access alternative care arrangements for the child or dependant (whether on a paid or voluntary basis); or
 - (b) leave the child or dependant unattended.
- (2) If a child or dependant is visiting a hospital and the patient they are visiting is their carer, parent or guardian, the child or dependant may be present at the hospital and they are not counted in a visitor limit under clause 12 or 13 if the patient cannot:

- (a) access alternative care arrangements for the child or dependant (whether on a paid or voluntary basis); or
- (b) leave the child or dependant unattended.

15. Operator of hospital to facilitate communication

The operator of a hospital must take all reasonable steps to facilitate telephone, video or other means of electronic communication with the parents, guardians, partners, carers, support persons and family members of patients to support the physical, emotional and social wellbeing (including mental health) of patients.

16. Operator to take all reasonable steps

- (1) The operator of a hospital must take all reasonable steps to ensure that:
 - (a) a person does not enter or remain on the premises of the hospital if the person is prohibited from doing so by this Order; and
 - (b) a record is kept, in relation to each person who enters or remains at the hospital as a visitor under this Order of:
 - (i) the contact details of the person; and
 - (ii) the date and time at which that person entered and left the hospital.
- (2) A record under subclause (1)(b) must be kept for at least 28 days from the day of the entry.

17. Exemption power

The Chief Health Officer or the Deputy Chief Health Officer may, in writing, grant an exemption from this Order 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 COVID-19, 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 an Order under the **Public Health and Wellbeing Act 2008**, or otherwise).

Part 3 – Entry Requirements for Care Facilities

18. Prohibition on entry

A person must not enter, or remain on, the premises of a care facility unless:

- (1) the person is a resident of the facility; or
- (2) the person is a care facility worker in relation to the facility, as defined in clause 2 of Schedule 1, and the entry is not otherwise prohibited under this Order; or
- (3) the person is a visitor of a resident of the facility and the visit is not otherwise prohibited under this Order; or
- (4) the person is visiting as a prospective resident of the facility, or a visitor that is a support person to a prospective resident of the facility, and the visit is not otherwise prohibited under this Order.

19. Entry Requirement

- (1) An operator of a care facility must not permit:
 - (a) a visitor of a resident of the care facility; or
 - (b) a visitor who is visiting as a prospective resident of the care facility; or
 - (c) a visitor that is a support person to a prospective resident of the care facility,

to enter, or remain at, the care facility except if they present acceptable evidence of a negative result from a COVID-19 rapid antigen test undertaken at the care facility on the same day the visitor attends the care facility.

*Note: for all visitors, face covering requirements contained within the **Movement and Gathering Order** continue to apply.*

- (2) If a visitor listed in subclause (1) cannot, after making reasonable attempts, obtain a COVID-19 rapid antigen test and there are no rapid antigen tests available at the care facility, then the obligation in subclause (1) does not apply to the operator in relation to that visitor only if:
 - (a) in the case of a visitor of a resident of the care facility:
 - (i) the resident who is being visited has had one or no visitors on that day; and
 - (ii) if no other visitors have visited the relevant resident that day, the operator only permits one other visitor to enter, or remain on, the premises to visit the relevant resident on that day; and

- (b) in the case of a visitor who is visiting as a prospective resident of the care facility, or a visitor that is a support person to a prospective resident of the care facility:
 - (i) the operator only permits one other person accompanying the prospective resident to enter or remain on the premises.

20. Exceptions to Entry Requirements

- (1) The obligations in clause 19 do not apply to an operator of a care facility in relation to the following persons:
 - (a) a person who is visiting the purpose of providing end-of-life support to a resident of the care facility; or
 - (b) a person who is an essential carer of a resident, where undertaking a COVID-19 rapid antigen test prior to entry is not practicable; or
 - (c) a person who has been nominated by an officer of the care facility with the position of Director of the facility or equivalent, where it is not practicable for the person to undertake a COVID-19 rapid antigen test prior to entering the care facility for the purpose of having in-person contact with a resident; or

For example: a person providing urgent assistance to settle a resident experiencing severe symptoms related to dementia.
 - (d) a person who has undertaken a COVID-19 PCR test within 24 hours prior to visiting the care facility and provided acceptable evidence of a negative result from that test to the operator of the care facility; or
 - (e) a person providing professional patient care, including but not limited to:
 - (i) emergency workers in the event of an emergency; and
 - (ii) ambulance workers; and
 - (iii) visiting healthcare professionals.

21. Care facility excluded persons

Despite clause 18, a person who is a care facility worker or a visitor of a resident of the care facility, or a prospective resident of the care facility, or a visitor that is a support person to a prospective resident of the facility, must not enter, or remain on, the premises of the facility if the person is a care facility excluded person.

22. Certain care facility excluded persons may be permitted to visit a care facility

- (1) Despite clause 21, a person referred to in paragraph (3) of the definition of care facility excluded person may enter, or remain on, the premises of the care facility if:
 - (a) the person's presence at the facility is for the purposes of providing end of life support to a resident of the care facility; and
 - (b) the person is authorised to enter or remain at the care facility by:
 - (i) an officer of the care facility with the position of Director of the facility or equivalent; and
 - (ii) the Chief Health Officer, or a person authorised by the Chief Health Officer to exercise this power of authorisation.
- (2) A person authorised to enter or remain at the care facility under subclause (1) must comply with any directions or conditions to which that authorisation is subject.
- (3) An officer of a care facility referred to in subclause (1)(b)(i) 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 care facility,
- (4) A record under subclause (3) must be kept for at least 28 days from the day the authorisation is given.

23. Restrictions on visitors of residents (end of life)

Where a visitor of a resident of the care facility is visiting for the purposes of providing end of life support to a resident, the operator of a care facility in Victoria must not permit more than five visitors of a resident to enter or remain on the premises at any one time in relation to that resident.

Note: the definition of end of life support includes where a patient is at risk of dying from a sudden acute event (life-threatening condition).

24. Restrictions on visitors of residents (other)

- (1) Subject to clause 19(2), where a visitor of a resident of the care facility is visiting, the operator of the care facility must not permit:
 - (a) more than five visitors of a resident to enter or remain on the premises at any one time in relation to a resident; and

- (b) more than five visitors of a resident to enter or remain on the premises per day in relation to a resident.

25. Restrictions on visitors as prospective residents

- (1) Subject to clause 19(2), if a prospective resident of a care facility visits the care facility, the operator of the care facility must not permit:
 - (a) more than four other persons accompanying the prospective resident to enter or remain on the premises; and
 - (b) more than one visit at the facility for this purpose at any one time.

Note: the care facility may allow multiple visits from prospective residents of the facility over the course of a day, however only one prospective resident and a maximum of four persons accompanying the prospective resident may occur at any one time.

26. Operator to take all reasonable steps

The operator of a care facility must take all reasonable steps to ensure that:

- (1) a person does not enter or remain on the premises of the care facility if the person is prohibited from doing so by clause 18; and
- (2) the care facility facilitates telephone, video or other means of electronic communication with the parents, guardians, partners, carers, support persons and family members of residents to support the physical, emotional and social wellbeing (including mental health) of residents.

27. Visitor declarations

- (1) The operator of a care facility must require visitors in relation to the care facility to declare in writing at the start of each visit, but before entering any area of the care facility that is freely accessible to residents, whether the visitor:
 - (a) is free of COVID-19 symptoms other than symptoms caused by an underlying health condition or medication; and
 - (b) either:
 - (i) has received a negative result from a COVID-19 rapid antigen test on the same day that they attend the care facility; or
 - (ii) after making reasonable attempts, has not been able to obtain a COVID-19 rapid antigen test; and
 - (c) has been in contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances) in the:

- (i) preceding 7 days if the person is fully vaccinated and is not a close contact; or
- (ii) preceding 14 days if the person is not fully vaccinated or is a close contact; and
- (d) is currently required to self-isolate or self-quarantine in accordance with the **Quarantine, Isolation and Testing Order**.

*Note: operators of care facilities are subject to additional obligations under the **Additional Industry Obligations Order**.*

- (2) Where a visitor of a resident of a care facility is aged under 18 years, a parent, carer or guardian of the visitor may make the declaration required of the visitor by the operator of a care facility under subclause (1) on the visitor's behalf.

Part 4 – General provisions

28. Relationship with other Orders

- (1) Where the premises of a care facility are located within the premises of a hospital, the care facilities requirements in this Order apply, in relation to the premises of the care facility and to matters that relate to the care facility.
- (2) This Order operates alongside, and is not intended to derogate from, obligations imposed on operators of care facilities under the **Workplace Order** and **Additional Industry Obligations Order**.

29. Transitional provisions

- (1) A reference in any pandemic order in force to a Revoked Visitors to Hospitals and Care Facilities Order is taken on and after the commencement of this Order to be a reference to this Order.
- (2) Any act, matter or thing that had effect under a Revoked Visitors to Hospitals and Care Facilities Order immediately before it was revoked continues to have effect under this Order.
- (3) Without limiting subclause (2), this Order is subject to any exemption, benefit, requirement or entitlement (however described) to which a Revoked Visitors to Hospitals and Care Facilities Order was subject immediately before it was revoked.
- (4) This clause is subject to any express provision to the contrary in this Order.

30. Severability

To the extent that any part of this Order is held to be in excess of power or otherwise invalid it is intended that it is to be taken to be valid to the extent to which it is not in excess of that power.

Part 5 – Penalties

31. Penalties

Section 165BN of the **Public Health and Wellbeing Act 2008** provides:

Failure to comply with pandemic order, direction or other requirement

- (1) A person commits an offence if the person refuses or fails to comply with a pandemic order, or with a direction given to the person, or a requirement made of the person, in the exercise of a pandemic management power.

Penalty: In the case of a natural person, 60 penalty units;

Penalty: In the case of a body corporate, 300 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.

*Note: the **Public Health and Wellbeing Regulations 2019** provide for infringement notices to be served on any person who has refused or failed to comply (without a reasonable excuse) with a pandemic order, or a direction given or a requirement made in the exercise of a pandemic management power. The amount payable pursuant to the infringement notice varies depending on the nature of the failure or refusal and the age of the person.*

Schedule 1 - Definitions

1. Definition of care facility

A **care facility** is a facility in Victoria that is:

- (1) an alcohol and drug residential service;
- (2) a homelessness residential service;
- (3) a residential aged care facility;
- (4) a disability residential service;
- (5) an eligible SDA enrolled dwelling;
- (6) a secure welfare service;
- (7) a short-term accommodation and assistance dwelling;
- (8) a supported residential service;
- (9) the Thomas Embling Hospital.

2. Definition of care facility worker

A person is a **care facility worker** in relation to a care facility if:

- (1) the person is the operator of a care facility or an employee or contractor in relation to the care facility; or
- (2) the person is a student under the supervision of an employee or contractor in relation to the care facility; or
- (3) the person's presence at the premises of the care facility is for the purposes of providing goods or services that are necessary for the effective operation of the care facility, whether the goods or services are provided for consideration or on a voluntary basis; or
- (4) the person's presence at the premises of the care facility is for the purposes of providing any of the following goods or services to a resident of the care facility, whether the goods or services are provided for consideration or on a voluntary basis:
 - (a) health, medical, or pharmaceutical goods or services; or
 - (b) behavioural support services; or
 - (c) functional and well-being support services; or

- (d) other support services; or
- (5) in the case of a disability residential service or an eligible SDA enrolled dwelling—the person's presence at the premises of the facility is for the purposes of providing treatment under a treatment plan to a resident of the facility, whether the treatment is provided for consideration or on a voluntary basis; or
- (6) in the case of a secure welfare service—the person's presence at the premises of the facility is for the purposes of providing educational services to a resident of the facility, whether the goods or services are provided for consideration or on a voluntary basis; or
- (7) the person's presence at the premises of the care facility is authorised or required for the purposes of emergency management, law enforcement, or the performance of a duty, function or power under a law.

Note: this includes advocates with a legislated role such as the National Aged Care Advocacy Program and the Community Visitors Scheme.

3. Definition of hospital worker

A person is a **hospital worker** in relation to a hospital if:

- (1) 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
- (2) the person's presence at the hospital:
 - (a) 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
 - (b) has been arranged by appointment in advance; and
 - (c) is approved by an officer of the hospital with the position of Chief Medical Officer, Chief Operating Officer, or equivalent; or
- (3) 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
- (4) 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 subclause (4).

- (5) 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.

4. Other definitions

For the purposes of this Order:

Additional Industry Obligations Order means the **Pandemic (Additional Industry Obligations) Order 2022 (No. 3)** as amended or replaced from time to time;

alcohol and drug residential service means any of the following:

- (1) a treatment centre within the meaning of the **Severe Substance Dependence Treatment Act 2010**;
- (2) a residential treatment service (however described) that provides drug or alcohol withdrawal or rehabilitation services in a residential setting to people dependent on alcohol or other drugs;
- (3) a service that provides supported accommodation to a person after the person has received residential treatment services of the kind referred to in subclause (2);

care facility has the meaning in clause 1 of this Schedule;

care facility excluded person means a person who:

- (1) is required to self-isolate under the **Quarantine, Isolation and Testing Order**;
or
- (2) is required to self-quarantine under the **Quarantine, Isolation and Testing Order**; or
- (3) had known contact with a confirmed case (except in the course of their employment while wearing the appropriate level of personal protective equipment in the circumstances) in the:
 - (a) 7 days immediately preceding entry if the person is fully vaccinated and is not a close contact and has not returned a negative COVID-19 PCR test; or
 - (b) 14 days immediately preceding entry if the person is not fully vaccinated or is a close contact and has not returned a negative COVID-19 PCR test;
or

*Note: a person who has had known contact with a person who has been diagnosed with COVID-19 may also be required to self-quarantine under the **Quarantine, Isolation and Testing Order**.*

- (4) has COVID-19 symptoms unless those symptoms are caused by an underlying health condition or medication; or

Note: for the purposes of this Order, COVID-19 symptoms, including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat), loss of smell, and loss

of taste do not include those symptoms where caused by an underlying health condition or medication.

- (5) in the case of a visitor—has been tested for COVID-19, and has not yet received the results of that test.

*Note: subclause (5) does not include a person who is required to be tested for COVID-19 in accordance with the requirements of the **Surveillance Testing Industry List and Requirements**.*

care facility worker has the meaning in clause 2 of this Schedule;

close contact has the same meaning as in the **Quarantine, Isolation and Testing Order**;

confirmed case means a person who has been diagnosed with COVID-19 and includes the period of time prior to the diagnosis during which the confirmed case is considered infectious;

Note: the period during which a person is considered infectious is generally considered to be 48 hours prior to the onset of COVID-19 symptoms, however, alternative infectious periods may be determined at the discretion of an officer or nominated representative of the Department (for instance, in high-risk settings or if the confirmed case is asymptomatic).

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.

COVID-19 means the contagious disease caused by severe acute respiratory syndrome coronavirus 2;

COVID-19 PCR test means a COVID-19 polymerase chain reaction test;

COVID-19 rapid antigen test means a COVID-19 rapid antigen test;

COVID-19 symptoms means symptoms consistent with COVID-19, including but not limited to the following:

- (1) a fever ($\geq 37.5^{\circ}\text{C}$) or consistent fever of less than 37.5°C (such as night sweats or chills);
- (2) acute respiratory infection (such as cough, shortness of breath, sore throat);
- (3) loss of smell;
- (4) loss of taste;

day procedure centre has the same meaning as in the **Health Services Act 1988**;

denominational hospital has the same meaning as in the **Health Services Act 1988**;

disability has the same meaning as in the **Disability Service Safeguards Act 2018**;

disability residential service means a residential service within the meaning of the **Disability Act 2006** and to avoid doubt, includes the facility called the Intensive Residential Treatment Program of the Statewide Forensic Service;

Note: the Intensive Residential Treatment Program of the Statewide Forensic Service is often referred to as “DFATS”.

disability service has the same meaning as in the **Disability Service Safeguards Act 2018**;

disability service provider has the same meaning as in the **Disability Act 2006**;

disability worker has the same meaning as in the **Disability Service Safeguards Act 2018**;

eligible SDA enrolled dwelling means a Specialist Disability Accommodation (SDA) enrolled dwelling that is provided under an SDA residency agreement within the meaning of section 498B of the **Residential Tenancies Act 1997**;

employee or contractor in relation to a care facility, means a person employed or engaged as a contractor by the operator of a care facility, and includes a person who provides labour hire services to the operator of a care facility;

end of life in relation to a patient or a resident:

- (1) means a situation where the person’s death is expected within days (including periods of 28 days or less), or where the person, with or without existing conditions, is at risk of dying from a sudden acute event;
- (2) does not mean a situation where a person has an advanced, progressive, incurable condition, or general frailty and co-existing conditions, that mean that the person is expected to die within 12 months (except where the situation also falls within subclause (1));

excepted person means a person who holds acceptable certification that the person is unable to receive a dose, or a further dose, of any COVID-19 vaccine that is available in Australia due to:

- (1) a medical contraindication; or
- (2) an acute medical illness (including where the person has been diagnosed with COVID-19).

flexible care subsidy has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;

fully vaccinated has the same meaning as in the **Open Premises Order**;

homelessness residential service means a service that is funded by government to provide a staffed residential service to people who are homeless or at risk of being homeless;

hospital means:

- (1) a public hospital;
- (2) a denominational hospital;
- (3) a multi-purpose service;
- (4) a private hospital;
- (5) a day procedure centre;

hospital excluded person means a person who:

- (1) has been diagnosed with COVID-19, and has not yet been given, or been taken to have been given, clearance from self-isolation under **Quarantine, Isolation and Testing Order**; or
- (2) during the 14 days immediately preceding the entry, arrived in Australia from a place outside Australia unless the person has a valid international passenger arrival permit issued under the **Victorian Border Crossing Order** and they are not prohibited from attending a hospital under the **Victorian Border Crossing Order**; or
- (3) is an **international aircrew services worker** and during the 14 days immediately preceding the entry, the person arrived in Australia from a place outside Australia, unless that person is permitted to attend a hospital under the **Victorian Border Crossing Order**; or
- (4) had known contact with a person who has been diagnosed with COVID-19 in the:
 - (a) 7 days immediately preceding entry if the person is fully vaccinated and is not a close contact and has not returned a negative COVID-19 PCR test; or
 - (b) 14 days immediately preceding entry if the person is not fully vaccinated or is a close contact and has not returned a negative COVID-19 PCR test; or

*Note: a person who has had known contact with a person who has been diagnosed with COVID-19 may also be required to self-quarantine under the **Quarantine, Isolation and Testing Order**.*

- (5) the person has a temperature higher than 37.5 degrees or symptoms of acute respiratory infection unless the temperature or symptoms are caused by an underlying health condition or medication; or

Note: for the purposes of this Order, the symptoms described within subclause (5), including but not limited to acute respiratory infection (such as cough, shortness of breath, sore throat) and a temperature higher than 37.5 degrees do not include those symptoms where caused by an underlying health condition or medication.

- (6) the person is aged under 16 years, other than in circumstances where:
- (a) either:
 - (i) the person's presence at the hospital is for the purposes of end of life support for a patient; or
 - (ii) the person is visiting a patient who has a life-threatening medical condition; and
 - (b) either:
 - (i) the person aged under 16 years is a child, grandchild or sibling of the patient, or has a kinship relation to the patient; or
 - (ii) clause 14 applies.
- (7) in the case of a visitor — the person has been tested for COVID-19 and has not yet received the results of that test.

Note: subclause (7) does not include a person who is required to be tested for COVID-19 in accordance with the requirements of the Surveillance Testing Industry List and Requirements.

hospital worker has the meaning in clause 3 of this Schedule;

international aircrew services worker has the same meaning as in the **Victorian Border Crossing Order**;

Movement and Gathering Order means the **Pandemic (Movement and Gathering Order) 2022 (No. 3)** as amended or replaced from time to time;

multi-purpose service has the same meaning as in the **Health Services Act 1988**;

nominated person in relation to a patient has the same meaning as in the **Mental Health Act 2014**;

Open Premises Order means the **Pandemic (Open Premises) Order 2022 (No. 3)** as amended or replaced from time to time;

operator of a care facility means:

- (1) for an alcohol and drug treatment facility—the operator of the facility;

- (2) for a homelessness residential service—the entity that receives government funding to provide the service;
- (3) for a residential aged care facility—the operator of the facility;
- (4) for a disability residential service—the disability service provider that operates the service;
- (5) for an eligible SDA enrolled dwelling—the disability service provider or the registered NDIS provider that operates the service;
- (6) for a short-term accommodation and assistance dwelling—the registered NDIS provider or the disability service provider that operates the service;
- (7) for a secure welfare service—the Secretary to the Department of Families, Fairness and Housing;
- (8) for a supported residential service—the proprietor of the supported residential service;
- (9) for the Thomas Embling Hospital—the Victorian Institute of Forensic Mental Health;

operator of a hospital means a person who owns, controls or operates the hospital;

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;

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

private hospital has the same meaning as in the **Health Services Act 1988**;

proprietor of a supported residential service has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;

provides labour hire services has the same meaning as in the **Labour Hire Licensing Act 2018**;

public hospital has the same meaning given in the **Health Services Act 1988**;

Quarantine, Isolation and Testing Order means the **Pandemic (Quarantine, Isolation and Testing) Order 2022 (No. 4)** as amended or replaced from time to time;

registered NDIS provider has the same meaning as in the **National Disability Insurance Scheme Act 2013** of the Commonwealth;

resident of a care facility includes a patient of the care facility;

residential aged care facility means premises at which accommodation and personal care or nursing care or both are provided to a person in respect of whom a residential care subsidy or a flexible care subsidy is payable under the **Aged Care Act 1997** of the Commonwealth;

residential care subsidy has the same meaning as in the **Aged Care Act 1997** of the Commonwealth;

Revoked Visitors to Hospitals and Care Facilities Order means the **Care Facilities Directions (No 50)**, the **Hospital Visitor Directions (No 40)** or the **Pandemic (Visitors to Hospitals and Care Facilities) Order 2021 (No. 1)**, or their predecessors;

SDA enrolled dwelling has the same meaning as in the Disability Act 2006;

SDA provider has the same meaning as in the Disability Act 2006;

secure welfare service has the same meaning as in the Children, Youth and Families Act 2005;

short-term accommodation and assistance dwelling has the same meaning as in the **Disability Act 2006**;

supported residential service has the same meaning as in the **Supported Residential Services (Private Proprietors) Act 2010**;

Surveillance Testing Industry List and Requirements has the same meaning as in the **Additional Industry Obligations Order**;

Thomas Embling Hospital means the hospital of that name operated by the Victorian Institute of Forensic Mental Health;

treatment plan has the same meaning as in the **Disability Act 2006**;

Victorian Border Crossing Order means the **Pandemic (Victorian Border Crossing) Order 2022 (No. 3)** as amended or replaced from time to time;

Workplace Order means the **Pandemic (Workplace) Order 2022 (No. 3)** as amended or replaced from time to time.



Martin Foley MP, Minister for Health

10 January 2022