

# Hospital Visitors Direction (No. 13)

## Summary

**Effective from:** 6pm AEST 11 January 2021

**Posted:** 11 January 2021

## Direction from Chief Health Officer in accordance with emergency powers arising from the declared public health emergency

*Public Health Act 2005* (Qld)

Section 362B

On 29 January 2020, under the *Public Health Act 2005*, the Minister for Health and Minister for Ambulance Services made an order declaring a public health emergency in relation to coronavirus disease (COVID-19). The public health emergency area specified in the order is for 'all of Queensland'. Its duration has been extended by regulation to 31 March 2021 and may be further extended.

Further to this declaration, I, Dr Jeannette Young, Chief Health Officer, reasonably believe it is necessary to give the following directions pursuant to the powers under s 362B of the *Public Health Act 2005* to assist in containing, or to respond to, the spread of COVID-19 within the community.

## Preamble

1. This Public Health Direction replaces the Public Health Direction referred to as the *Hospital Visitors Direction (No. 12)* made on 8 January 2021 and is the successor of that Direction.
2. This Public Health Direction is to be read in conjunction with other Public Health Directions issued under section 362B of the *Public Health Act 2005* that have not expired or been revoked.

## Citation

3. This Public Health Direction may be referred to as the *Hospital Visitors Direction (No. 13)*.

## Revocation

4. The Hospital Visitors Direction (No. 12) made on 8 January 2021 is revoked from 6:00pm on 11 January 2021.

## Commencement

5. This Direction applies from 6:00pm on 11 January 2021 until the end of the declared public health emergency, unless it is revoked or replaced.

## PART 1 — REQUIREMENTS FOR ALL HOSPITALS

6. This part applies to all **hospitals** in the State of Queensland.
7. A person, other than a **patient of the hospital**, must not enter, or remain at, a hospital in the State of Queensland if:
  - a. the person has been diagnosed with COVID-19, unless the person is no longer subject to a direction to self-isolate under section 362B or section 362H of the *Public Health Act 2005*; or
  - b. during the 14 days immediately preceding the entry, the person who is an **international arrival** arrived in **Australia** from a place outside **Australia**; or
  - c. during the 14 days immediately preceding the entry, or since the start date identified for the COVID-19 hotspot, whichever is shorter, the person has been in a place which at the time of entry is a **COVID-19 hotspot**; or

- d. during the 14 days immediately preceding the entry, the person had known contact with a person who is a confirmed case of COVID-19; or
  - e. the person has a temperature equal to or higher than 37.5 degrees or **symptoms consistent with COVID-19**; or
  - f. the person has been tested for COVID-19 and has not yet received the results of that test.
8. Despite paragraph 7(f), a person may enter a hospital if the person is awaiting the result of a COVID-19 test taken in accordance with a **surveillance testing obligation** under a Public Health Direction or Protocol approved by the Chief Health Officer.

*Note: A person awaiting COVID-19 tests results as part of a **surveillance testing obligation** must still comply with the requirements in paragraphs 7(a) to (e) and (g). For example, a person awaiting results of a routine COVID-19 test required under a protocol must not enter, or remain on, the premises of a hospital if they have **symptoms consistent with COVID-19**.*

### Persons who have been in Victoria on or after 21 December 2020 in the past 14 days

- 9. A person, other than a patient of the hospital, must not enter, or remain at, a hospital in the State of Queensland if the person has been in Victoria on or after 21 December 2020, unless 14 days have passed since the person was in Victoria.
- 10. Despite paragraph 9, a person may enter and remain at a hospital, if the person obtains a negative COVID-19 test in Queensland after returning from Victoria.
- 11. If paragraph 9 applies to a person proposing to enter a hospital, the operator of the hospital may require the person to provide evidence of a negative COVID-19 test obtained by the person in Queensland, after returning from Victoria.

### Persons who have been in Greater Brisbane on or after 2 January 2021

- 12. A person, other than a patient of the hospital, must not enter, or remain at, a hospital in the State of Queensland if the person has been in **Greater Brisbane** on or after 2 January 2021, unless 14 days have passed since the person was in Greater Brisbane.
- 13. Despite paragraph 12, a person may enter a hospital if the person:
  - a. is an employee, contractor, staff member or **student** of the hospital; or
  - b. is a person providing goods or services that are necessary for the effective operation of the hospital, whether the goods are provided for consideration or on a voluntary basis; or
  - c. is providing health, medical, therapeutic, social work, or pharmaceutical services to a patient at the hospital, whether the goods or services are provided for consideration or on a voluntary basis;
  - d. the person's presence is required for emergency management, law enforcement or the exercise of a power or function of a government agency or entity under a law; or
  - e. the person's presence is necessary to comply with or give effect to an order of any court or tribunal of Australia; or
  - f. is a parent or caregiver of a patient who is a child; or
  - g. is visiting a patient of the hospital being provided pregnancy or maternity related care; or
  - h. is a disability support worker or informal carer to a patient of the hospital with a disability who requires support; or

*Example: A person may require support from a disability support worker or person who has provided long-term informal support, such as a family member or friend.*

  - i. other patients that the operator of the hospital believes is necessary to have visitors for emergency or other compassionate grounds.

- 14. The **operator of a hospital** in the State of Queensland must take all reasonable steps to ensure that a person does not enter or remain within a hospital if the person is prohibited from doing so under this Direction.

## End of life visitors

15. Despite paragraphs 7(b), 7(c), 9 and 12 a person may enter, or remain at, a hospital if:
  - a. the person's presence at the hospital is for the purpose of an **end of life visit** for a patient of the hospital; and
  - b. the person has been granted an exemption by the Chief Health Officer, Deputy Chief Health Officer or delegate for an **end of life visit** under a Public Health Direction.
16. A person who enters a hospital under an exemption granted under paragraph 15(b) must comply with all conditions imposed by the Chief Health Officer, Deputy Chief Health Officer or delegate under the exemption.
17. If a person enters a facility under paragraph 15, the operator of the hospital must manage the person's visit in accordance with the conditions imposed by the Chief Health Officer, Deputy Chief Health Officer or delegate under the exemption.

*Example: An operator may need to ensure the patient being visited is in a single room, the visitor wears appropriate personal protective equipment, is escorted to and from the room, and avoids common areas and contact with other patients, visitors and staff.*

## PART 2 — MANAGING VISITOR ACCESS TO NON-RESTRICTED HOSPITALS

### Visiting patients

18. There is no limit under this Public Health Direction on the number of visitors at a **non-restricted hospital**.

*Note - All visitors remain subject to each hospital's clinical guidelines for COVID-19. These clinical guidelines may be more restrictive than this direction, for example, in relation to the number and type of visitors. See paragraphs 16 and 17 for requirements for visitors to a restricted hospital.*

## PART 3 — MANAGING VISITOR ACCESS TO RESTRICTED HOSPITALS

### Visiting patients in a restricted area

19. Subject to paragraph 20, a patient of a hospital in a **restricted area** may not have visitors.
20. The following patients of a **restricted hospital** may have visitors in accordance with the hospital's clinical guidelines for COVID-19 approved by the operator of the hospital:
  - a. a patient of the hospital who is a child; or
  - b. a patient of the hospital being provided end of life care; or
  - c. a patient of the hospital being provided pregnancy or maternity related care; or
  - d. a patient of the hospital with a disability who requires support from a disability support worker or an informal carer; or

*Example: A person may require support from a disability support worker or person who has provided long-term informal support, such as a family member or friend.*

- e. other patients that the operator of the hospital believes is necessary to have visitors for emergency or other compassionate grounds.

## Definitions

For the purposes of this Direction:

21. **Australia** means the Commonwealth of Australia and includes the external territories of Norfolk Island, Christmas Island, Cocos (Keeling) Islands, Coral Sea Islands and Heard and McDonald Islands but excludes the Australian Antarctic Territory.
22. **COVID-19 hotspot** means a particular area of Australia decided by the Chief Health Officer and published on the Queensland Health website <https://www.health.qld.gov.au/system->

23. **End of life visit** means a hospital visit by a person for the purposes of end-of-life support for a patient of the hospital.
24. **Greater Brisbane** means the following Local Government Areas:
- City of Brisbane
  - City of Ipswich
  - Logan City
  - Moreton Bay Region
  - Redland City.
25. **Hospital** means:
- a hospital, as defined in schedule 2 to the *Hospital and Health Boards Act 2011*; or
  - a private health facility, as defined in section 8 of the *Private Health Facilities Act 1999*; or
  - a multi-purpose service, as defined in section 104 of the *Subsidy Principles 2014* made under section 96-1 of the *Aged Care Act 1997* (Cth).
26. **International arrival** means a person who arrives in Queensland on a flight that is not a **quarantine-free flight** or who, in the 14 days immediately before their arrival to Queensland -
- has been in a place outside **Australia**, other than a **safe travel zone country**; or
  - arrived in **Australia** by sea; or
  - arrived in **Australia** by air on a flight that is not a **quarantine-free flight**, regardless of whether the flight originated from a **safe travel zone country**; or
  - has been in a place declared a **safe travel zone country hotspot**.
27. **Non-restricted hospital** means a hospital, other than a restricted hospital.
28. **Operator of a hospital** means a person who owns, controls or operates the hospital.
- Example: The Chief Executive, Chief Operating Officer or Executive Director of a hospital.*
29. **Patient of the hospital** means a person who requests or is being provided with health, medical or pharmaceutical services by the hospital.
30. **Quarantine-free flight** means a flight that only carries passengers who have declared that in the 14 days prior to the flight's departure they have only been in a **safe travel zone country** and have not been in a **safe travel zone country hotspot**.
- Note: Information about quarantine free flights is available from the Australian Department of Home Affairs: <https://covid19.homeaffairs.gov.au/new-zealand-safe-travel-zone>*
31. **Restricted area** means a particular area of Queensland decided by the Chief Health Officer and published on the Queensland Government website. <https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/queensland-covid-19-restricted-areas>
32. **Restricted hospital** means a hospital located in a restricted area.
33. **Safe travel zone country** has the same meaning as in the *Quarantine for International Arrivals Direction (No. 2)*, or its successor.
34. **Safe travel zone country hotspot** has the same meaning as in the *Quarantine for International Arrivals Direction (No. 2)*, or its successor.
35. **Student** means a student under the supervision of an employee or contractor of the hospital.
36. **Surveillance testing obligation** means a requirement under a Public Health Direction or Protocol approved by the Chief Health Officer for a person to be routinely tested for COVID-19, who does not have **symptoms consistent with COVID-19** and is not required to self-isolate while awaiting a test result unless there is another lawful reason for them to isolate.

37. **Symptoms consistent with COVID-19** means fever or history of fever, symptoms of acute respiratory infection (cough, shortness of breath, sore throat), loss of smell, loss of taste, runny nose, diarrhoea, nausea, vomiting or fatigue.

## Exemption power

38. The Chief Health Officer may, in writing, grant an exemption from this direction in respect of a specified area of a hospital if the Chief Health Officer is satisfied, having regard to the need to limit the spread of COVID-19, 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 Act 2005* or otherwise).

## PART 4 - PENALTIES

A person to whom the direction applies commits an offence if the person fails, without reasonable excuse, to comply with the direction.

Section 362D of the *Public Health Act 2005* provides:

Failure to comply with public health directions

- A person to whom a public health direction applies must comply with the direction unless the person has a reasonable excuse.
- Maximum penalty—100 penalty units or 6 months imprisonment.

Dr Jeannette Young  
Chief Health Officer