

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*



Legislative Assembly Chamber,
Brisbane,

The Clerk of the Parliament.

25 May

2016

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey

Government House,

Brisbane,

25 May 2016



Queensland

No. 29 of 2016

A BILL for

An Act to amend the Hospital and Health Boards Act 2011 to provide for minimum nurse-to-patient ratios and midwife-to-patient ratios and other workload matters for public sector health services to ensure patient safety and the delivery of high quality health services



Queensland

Hospital and Health Boards (Safe Nurse-to-Patient and Midwife-to-Patient Ratios) Amendment Bill 2016

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2016

A Bill

for

An Act to amend the *Hospital and Health Boards Act 2011* to provide for minimum nurse-to-patient ratios and midwife-to-patient ratios and other workload matters for public sector health services to ensure patient safety and the delivery of high quality health services

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Hospital and Health Boards (Safe Nurse-to-Patient and Midwife-to-Patient Ratios) Amendment Act 2016*.

2 Commencement

This Act commences on 1 July 2016.

3 Act amended

This Act amends the *Hospital and Health Boards Act 2011*.

4 Amendment of s 46 (Delegation by chief executive)

Section 46(2)—

insert—

(d) to make a standard under section 138E.

5 Insertion of new pt 6, div 4

Part 6—

insert—

Division 4

Minimum nurse-to-patient ratios, midwife-to-patient ratios and workload standards

138A Definitions for division

In this division—

midwife means a person registered under the Health Practitioner Regulation National Law to practise in the nursing and midwifery profession as a midwife, other than as a student.

nurse means a person registered under the Health Practitioner Regulation National Law—

- (a) to practise in the nursing and midwifery profession as a nurse, other than as a student; and
- (b) in the registered nurses division or enrolled nurses division of that profession.

nursing and midwifery regulation means a regulation under section 138B.

nursing and midwifery workload management information includes information about compliance with a nursing and midwifery regulation.

138B Prescription of minimum nurse-to-patient and midwife-to-patient ratios

- (1) A regulation may prescribe a requirement about the minimum number of nurses or midwives who must be engaged in delivering a health service according to the number of patients receiving the service.
- (2) The regulation—
 - (a) may apply in relation to the delivery of stated health services—
 - (i) by stated Services; and
 - (ii) at stated facilities or parts of facilities; and
 - (iii) at stated times; and
 - (iv) in stated circumstances; and

Example—

A regulation may require that, in each surgical ward in a stated public sector hospital, between 7a.m. and 3p.m. each day, there be at least 1 nurse for every 4 patients.

- (b) may include a requirement about the skills or qualifications of the nurses or midwives.
- (3) For this section, a nurse or midwife is taken to be engaged in delivering a health service only if directly involved in providing care to 1 or more of the patients receiving the service.

138C Temporary exemptions

- (1) The Minister may, by written notice given to a Service and published on the department's website, grant a temporary exemption from compliance with a nursing and midwifery regulation.
- (2) A temporary exemption may—
 - (a) exempt a Service from compliance with all or part of a nursing and midwifery regulation; or
 - (b) vary the application of a nursing and midwifery regulation to a Service so it imposes a lesser requirement.
- (3) A temporary exemption may be granted on conditions.
- (4) A temporary exemption has effect for the period, of not more than 3 months, stated in the Minister's notice.
- (5) The Minister may, under subsection (1), extend a temporary exemption for a further period of not more than 3 months.
- (6) However, the Minister may not extend a temporary exemption, or grant a further temporary exemption to a Service, if as a result

the Service would be the subject of a temporary exemption for a continuous period of more than 6 months.

138D Matters for Minister to consider

- (1) This section applies if the Minister proposes to—
 - (a) recommend to the Governor in Council the making of a nursing and midwifery regulation applying to a Service; or
 - (b) grant or extend a temporary exemption for a Service under section 138C.
- (2) The Minister must consider the Service's capability to comply with the regulation and the likely effects of compliance.
- (3) The matters that the Minister may consider include—
 - (a) the likely financial costs of compliance; and
 - (b) any matter (including the nature, size and location of the Service) that may affect the Service's ability to recruit and retain staff; and
 - (c) the infrastructure that the Service has, or can acquire, to support staff; and
 - (d) the potential effects, on health services delivered by the Service, of actions the Service may reasonably need to take to comply with the regulation.

138E Standards about nursing and midwifery workload management

- (1) The chief executive may make a standard about nursing and midwifery workload management by Services, including how a Service—

[s 5]

- (a) calculates its nursing or midwifery human resource requirements; or
 - (b) develops and implements strategies to manage nursing or midwifery resource supply and demand; or
 - (c) evaluates the performance of its nursing or midwifery staff.
- (2) The standard applies only in relation to the delivery of health services by a Service to the extent the health services are the subject of a nursing and midwifery regulation.
 - (3) The standard may include requirements about reporting nursing and midwifery workload management information to the chief executive.
 - (4) Subsection (3) does not limit the ways a Service may be required to report nursing and midwifery workload management information to the chief executive.

Example—

A Service may be required to report particular information under its service agreement with the chief executive.

- (5) The Minister must notify the making of the standard.
- (6) The Minister's notice is subordinate legislation.
- (7) The standard takes effect on the day the Minister's notice commences or, if a later day of commencement is stated in the Minister's notice, on the later day.
- (8) The chief executive must publish the standard on the department's website.
- (9) The standard is binding on a Service to the extent it applies under subsection (2).
- (10) However, if it is not possible to comply with both the standard and a regulation in relation to a

particular matter because of an inconsistency between them, the regulation prevails to the extent of the inconsistency.

138F Publication of information about nursing and midwifery workload management

- (1) The chief executive may require a Service to give the chief executive, by a stated reasonable time, stated nursing and midwifery workload management information relating to the Service.
- (2) The Service must comply with the requirement.
- (3) The chief executive may publish the information in a way that allows it to be accessed by members of the public, including, for example, on the department's website.
- (4) This section applies to a Service whether or not it is the subject of a requirement under section 138B or standard under section 138E.

6 Amendment of s 279 (Delegation by Minister)

Section 279(2)—

insert—

- (e) the function to grant a temporary exemption, or extend a temporary exemption, under section 138C.

7 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

midwife, for part 6, division 4, see section 138A.

nurse, for part 6, division 4, see section 138A.

nursing and midwifery regulation, for part 6, division 4, see section 138A.

nursing and midwifery workload management information, for part 6, division 4, see section 138A.

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