



New South Wales

Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

At present under section 104 of the *Public Health Act 2010*, a registered nurse is required to be on duty in a nursing home at all times. The object of this Bill is to ensure that this requirement is continued by updating the definition of *nursing home* so that it is consistent with the terminology relating to aged care facilities under the *Aged Care Act 1997* of the Commonwealth.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 amends the *Public Health Act 2010* in the manner described in the above overview.



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Public Health Amendment (Registered Nurses in Nursing Homes) Bill 2020

No. , 2020

A Bill for

An Act to amend the *Public Health Act 2010* to bring the definition of a nursing home into line with relevant Commonwealth legislation so as to ensure that the requirement for a registered nurse to be on duty at all times at a nursing home is continued.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Public Health Amendment (Registered Nurses in Nursing Homes) Act 2020*.

2 Commencement

This Act commences on the date of assent to this Act.

3 Amendment of Public Health Act 2010 No 127

Section 5 Definitions

Omit the definition of *nursing home* from section 5(1). Insert instead—

nursing home means a facility at which residential care within the meaning of the *Aged Care Act 1997* of the Commonwealth is provided, being—

- (a) a facility at which a high level of residential care (however described under or in accordance with that Act) is provided, or
- (b) a facility of a class prescribed by the regulations.

Note. The definition of “residential care” in the *Aged Care Act 1997* of the Commonwealth is as follows—

- (1) **Residential care** is personal care or nursing care, or both personal care and nursing care, that:
 - (a) is provided to a person in a residential facility in which the person is also provided with accommodation that includes:
 - (i) appropriate staffing to meet the nursing and personal care needs of the person; and
 - (ii) meals and cleaning services; and
 - (iii) furnishings, furniture and equipment for the provision of that care and accommodation; and
 - (b) meets any other requirements specified in the Subsidy Principles.
- (2) However, residential care does not include any of the following:
 - (a) care provided to a person in the person’s private home;
 - (b) care provided in a hospital or in a psychiatric facility;
 - (c) care provided in a facility that primarily provides care to people who are not frail and aged;
 - (d) care that is specified in the Subsidy Principles not to be residential care.