



New South Wales

Health Services Amendment (Nurse-to-Patient and Midwife-to-Patient Ratios) Bill 2022

Explanatory note

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

Overview of Bill

The object of this Bill is to establish requirements for a minimum number of nurses or midwives per number of patients in specified wards or beds, recognising that nursing workloads impact on the quality of patient care.

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.

Schedule 1 Amendment of Health Services Act 1997 No 154

Schedule 1[1] and [3] insert proposed Chapter 10, Part 4 and Schedule 9 into the *Health Services Act 1997* (the **HS Act**) to provide for minimum nurse-to-patient and midwife-to-patient ratios and staffing requirements. Schedule 1[1] also inserts proposed Chapter 10, Part 5 into the HS Act.

Proposed Chapter 10, Part 4, Division 1 provides for minimum staffing ratios and requirements for a ward in a public hospital. Proposed section 132E provides that the operator of a public hospital must ensure the number of nurses or midwives in each ward of the hospital during a shift meets or exceeds the minimum staffing ratio. The proposed section also provides particulars of additional staffing requirements for certain hospital wards. Proposed section 132F deals with the calculation of the minimum staffing ratio. Proposed section 132G provides that the Health Secretary and the New South Wales Nurses and Midwives' Association may enter into

agreements to vary the minimum staffing ratio for a ward in a public hospital under certain circumstances. Proposed section 132H provides that the operator of certain regional public hospitals, and all other public hospitals, must ensure the hospital meets or exceeds certain staffing composition requirements in addition to minimum staffing ratios.

Proposed Chapter 10, Part 4, Division 2 provides for compliance and reporting for a public hospital on minimum staffing ratios, additional staffing requirements and staffing composition requirements for a ward in the hospital.

Proposed Chapter 10, Part 4, Division 3 provides for the enforcement of the requirements of the proposed Part, including dealing with dispute resolution and alleged breaches of minimum staffing ratios, additional staffing requirements and staffing composition requirements for a public hospital.

Proposed Chapter 10, Part 5 provides for reviews and investigations of certain staffing requirements and standards.

Proposed Schedule 9 contains the minimum staffing ratios and additional staffing requirements for wards in public hospitals and related provisions.

Schedule 1[2] provides that regulations may be made for matters relating to minimum staffing ratios.

Schedule 1[4] inserts definitions for the purposes of the proposed provisions to be inserted into the HS Act.