



Queensland

**No.    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

## Contents

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		Page
1	Short title .....	4
2	Commencement .....	4
3	Act amended .....	4
4	Amendment of s 46 (Delegation by chief executive) .....	4
5	Insertion of new pt 6, div 4 .....	4
	Division 4      Minimum nurse-to-patient ratios, midwife-to-patient ratios and workload standards	
	138A      Definitions for division .....	4
	138B      Prescription of minimum nurse-to-patient and midwife-to-patient ratios .....	5
	138C      Temporary exemptions .....	6
	138D      Matters for Minister to consider .....	7
	138E      Standards about nursing and midwifery workload management .....	7
	138F      Publication of information about nursing and midwifery workload management .....	9
6	Amendment of s 279 (Delegation by Minister) .....	9
7	Amendment of sch 2 (Dictionary) .....	9



**2016**

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**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—

- (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.

[s 7]

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

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