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Authorised Version

STATUTORY RULES 2019

S.R. No. 15/2019

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015

Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Regulations 2019

The Governor in Council makes the following Regulations:

Dated: 5 March 2019

Responsible Minister:

JENNY MIKAKOS
Minister for Health

ANDREW ROBINSON
Clerk of the Executive Council

1 Objective

The objective of these Regulations is to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Regulations 2015 consequential to the enactment of the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Act 2019—

(a) to specify criteria that the operator of a hospital must take into account and in accordance with which the number of nurses or midwives, or number of nurses, as the case requires, with whom a special care nursery or neonatal intensive care unit may be staffed in addition to the minimum required; and
Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Regulations 2019
S.R. No. 15/2019

(b) to prescribe the requirements to be satisfied by a nurse with whom the operator of a hospital may staff a postnatal ward for the purposes of complying with the relevant ratio; and

(c) to revoke redundant provisions.

2 Authorising provision
These Regulations are made under section 45 of the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015.

3 Commencement
These Regulations come into operation on 6 March 2019.

4 Principal Regulations
In these Regulations, the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Regulations 2015¹ are called the Principal Regulations.

5 Objective substituted
For regulation 1 of the Principal Regulations substitute—

“1 Objective
The objective of these Regulations is to make further provision for safe patient care in hospitals by—

(a) specifying criteria in accordance with which the number of nurses or midwives, as the case requires, with whom specified wards are staffed—

(i) may be reduced or increased, in the case of an operating theatre; or

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(ii) may be increased above the minimum required, in the case of a special care nursery or neonatal intensive care unit; and

(b) setting out procedures in accordance with which—

(i) an agreement to vary a ratio or the application of a rounding method under section 12 of the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 may be made; and

(ii) a local dispute must be resolved; and

(c) prescribing other matters to give effect to the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015.".

6 New regulations 5A, 5B and 5C inserted

After regulation 5 of the Principal Regulations insert—

"5A Criteria for increasing number of nurses or midwives staffing a special care nursery above minimum

For the purposes of section 27(4)(a) and (b) of the Act, the following criteria are prescribed—

(a) the conditions of the infants in the special care nursery;

(b) the level of care required by the infants in the special care nursery;

(c) the experience and skill mix of staff;

(d) the number of students requiring supervision."
5B Criteria for increasing number of nurses staffing a neonatal intensive care unit above minimum

For the purposes of section 28(2)(a) and (b) of the Act, the following criteria are prescribed—

(a) the conditions of the infants in the neonatal intensive care unit;

(b) the level of care required by the infants in the neonatal intensive care unit;

(c) the experience and skill mix of staff;

(d) the number of students requiring supervision.

5C Postnatal wards

For the purposes of section 31A(3)(c) of the Act, the following are the prescribed requirements—

(a) the postgraduate midwifery program referred to in section 31A(3)(b) of the Act and being undertaken by the nurse must be a postgraduate midwifery program that, on completion, qualifies the nurse for registration as a midwife under the Health Practitioner Regulation National Law;

(b) the nurse has completed the initial postnatal theory component of the postgraduate midwifery program;

(c) the nurse has completed all relevant staff orientation programs required by the operator of the hospital;
Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios)  
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(d) the nurse has completed all orientation programs relevant to postnatal wards required by the operator of the hospital.

7 Regulations 7, 8 and 9 revoked

Regulations 7, 8 and 9 of the Principal Regulations are revoked.
Endnotes

1 Reg. 4: S.R. No. 169/2015.