On 19 July 2018, the Premier and Minister for Health announced that the Victorian Government intended to amend the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015 (the Act).

On 21 August 2018, the Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Amendment Bill 2018 (the Bill) was introduced into Parliament.

**Why is the Act being amended?**

In 2015, Victoria became the first State in Australia to legislate minimum nurse and midwife staffing in public hospitals. The Act delivered on a key Government election commitment to enshrine into legislation nurse to patient and midwife to patient ratios that were previously contained in the ‘Nurses and Midwives (Victorian Public Sector) (Single Interest Employers) Enterprise Agreement 2012-2016’ (the Enterprise Agreement).

As part of that election commitment, the Andrews Labor Government pledged to work with nurses, midwives and health services to consider improvements to ratios.

Amendments to the Act reflect a continuous improvement process to ensure minimum safe nursing and midwifery staffing ratios are fit for purpose and acknowledge increasing patient complexity, changing models of care and the growing demand for health services. Enhancements to ratios would ensure nurses are able to devote more individualised time to each patient.

**Who will the changes affect?**

Changes will affect services covered by the Nurses and Midwives (Victorian Public Health Sector) (Single Interest Employers) Enterprise Agreement 2016–2020.

**What types of services won’t be covered by the amended legislation?**

The amended legislation would only affect certain wards within Victoria’s public hospitals. Wards within public hospitals that are not currently obliged to meet ratios under the enterprise agreement would not be impacted by this legislation. This would include services such as:

- public day admission and procedural wards
- public mental health services
- public low and mixed care residential aged care services
- private and not-for-profit hospitals,
- private and not-for-profit residential aged care services, and
- private and not-for-profit day procedural centres.

**What are the changes?**

A summary of amendments to the Act include:

- Changes to the rounding methodology to determine staffing numbers on a ward across all Victorian public hospital levels. This will mean that in most circumstances, where the number of patients in a ward is not divisible into a whole number when a ratio is applied, the number of nurses or midwives must be rounded up to the next whole number.
• Increased ratios to provide more nurses and midwives in palliative care, birthing suites and special care nurseries, and during peak times in emergency department resuscitation cubicles.

• New ratios introduced in acute stroke wards, haematology wards and acute inpatient oncology wards.

• Removal of obsolete and outdated sections, and changes to enhance the structural and/or operational application of the Act.

When will the amended Act commence?
If the Bill is successfully passed through Parliament it is anticipated that the amended Act will commence 1 March 2019.

What are the likely staffing requirements?
More than 600 additional nurses and midwives will be employed in Victorian public hospitals to meet the new ratios.

The Department of Health and Human Services will continue administering programs that promote attraction, retention, training and skill development opportunities for new and experienced nurses and midwives.

How will additional nurses and midwives be funded?
The Department of Health and Human Services will ensure appropriate funding and resources are available to support implementation of the changes.

Will hospital operators be provided with sufficient time to recruit extra nurses and midwives?
If the Bill is successfully passed through Parliament, the amended Act will be phased in over five years. In addition a grace period of six months will apply to the first phase of amendments.

How will the Department of Health and Human Services support implementation of the amended Act?
The Department of Health and Human Services will develop an Implementation Guide, as well as run a series of information sessions for hospital operators. Details of information sessions will be provided to hospital operators once the Bill successfully passes through Parliament.

How have the amendments to the Act been determined?
The Nurse/Midwife to Patient Ratio Improvements Taskforce was established in 2016 to provide a balanced assessment and independent advice on improving ratios as prescribed in the Act.

The Taskforce conducted a public stakeholder submission process in 2016-2017 and received over eighty submissions from a broad range of stakeholders including representative unions, health services, professional colleges, peak bodies and individual nurses and midwives. Following a review of submissions, the Taskforce consulted further on strategic themes with key stakeholders.

The amendments to the Act have been informed by the Taskforce and through further consultation with key stakeholders.

Where can I find full details of the Bill?
The Bill is available for download under ‘Parliamentary Documents’ at http://www.legislation.vic.gov.au

Where can I find updates?
Updates, as available, will be published on the Safe Patient Care Act webpage.

Further questions can be directed to: ratios@health.vic.gov.au.