

SAFE PATIENT CARE (NURSE TO PATIENT AND MIDWIFE TO PATIENT RATIOS) BILL 2015

TABLING OF STATEMENT OF COMPATIBILITY

AND

SECOND READING SPEECH

Tabling of Statement of Compatibility

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, I table a statement of compatibility for the **Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Bill 2015**.

Second Reading Speech

I move that this Bill be now read a second time.

This Bill is an Australian-first.

It will help nurses and midwives do what they do best, it will guarantee every Victorian patient the care they need and it will protect the integrity of our highly-respected nursing profession in the future.

This Bill enshrines nurse-to-patient and midwife-to-patient ratios in legislation, delivering on a key election commitment of the Andrews Labor Government.

Victoria is the first Australian jurisdiction to initiate this type of legislation to will protect the safety of patients and the nursing profession.

With this Bill – the first of its kind to guarantee minimum health care staffing levels in primary legislation – Victoria will have the most comprehensive nursing and midwifery staffing legislation anywhere in the world.

Enshrining nurse-to-patient and midwife-to-patient ratios in legislation means there will always be a certain number of nurses and midwives present to care for Victorian patients – now and into the future.

It protects the strength and integrity of the nursing profession, by taking this essential requirement of care off the bargaining table and into the law – safe from the risk of being stripped away by future governments.

This is a significant and historic change in the way minimum nurse and midwife staffing levels are specified within Victoria's health system – its public hospitals, publicly-operated denominational hospitals, public health services and multi-purpose services.

Nurse-to-patient and midwife-to-patient ratios were first introduced to Victoria in 2000 as part of the enterprise agreement.

When ratios were first introduced, the subsequent recruitment campaign led to an additional 2,650 nurses and midwives working across the Victorian public hospital system - an increase of 12 per cent.

The majority of these additional nurses were employed to meet the newly introduced nurse and midwife to patient ratios at that time.

Since then, the minimum nursing and midwifery staffing levels within our public hospitals and health services has been maintained.

There is evidence from Australia and around the world that confirms that if a nurse has more time to provide care to a patient, then the risk of that patient having an unintended complication or event – like falling or developing a pressure ulcer – is far less than if the patient was left unattended.

This fundamental requirement that protects the safety of patients within our health system is not something that should be traded away or threatened during an enterprise agreement negotiation, as it was with the current agreement.

With this Bill, the ratios of nurses and midwives will be permanently quarantined from industrial relations disputes. They will no longer come under threat by future governments.

This Bill achieves three things:

First, the Bill sets out the current numeric nurse-to-patient and midwife-to-patient ratios that are already in place by setting specific requirements for the minimum number of nurses or midwives for a set number of patients.

These provisions do vary across different hospitals, different types of wards and different shifts, and are intended to replicate the arrangements and scope contained within the current public sector nurses and midwives enterprise agreement.

Second, the Bill retains some important elements of the enterprise agreement that relate to the interpretation and application of the ratios.

These provisions allow either employers or employees some flexibility to propose and negotiate variations of the ratios to allow for a further refinement where required.

It is important that the Act is flexible enough to factor in local needs and issues while keeping pace with the evolving nature of healthcare.

Finally, the Bill introduces a compliance and enforcement regime. As ratios will no longer be subject to the enterprise agreement, the Fair Work Commission and the Commonwealth *Fair Work Act 2009* will no longer have jurisdiction to conciliate, arbitrate and otherwise deal with matters relating to ratios.

This enforcement regime includes specific direction powers for the Secretary of the Department of Health & Human Services to ensure health services' compliance with the ratios. These powers can be utilised by the Secretary either pre-emptively or following a declaration of a court.

The Bill sets out an alternative enforcement regime under Victorian jurisdiction, whereby the Magistrates' Court of Victoria could be referred a matter when it cannot be resolved at a local level.

The enforcement regime replicates the enforcement mechanism under the enterprise agreement and is intended to have similar effect to the dispute resolution arrangements under the enterprise agreement and impose no additional burdens on any of the stakeholders.

For serious and wilful breaches of the ratios or a ratio variation, the Magistrates' Court may, at its discretion, impose a civil penalty of up to a maximum of 60 penalty points. This, combined with reporting requirements is enough to deter hospitals from breaching their requirements under the Act.

Health services will also be required to report on any breaches as part of their published annual report.

The nursing profession works tirelessly to provide safe and effective care to the sick, injured and some of the most vulnerable members of our society.

Midwives equally work tirelessly to support and care for expectant and new mothers during this pivotal time in their lives.

In 2015, nursing was rated by Australians as our most highly regarded profession, for the 21st year in a row.

The staffing levels of our most ethical and honest profession helps determine the safety and care of patients within Victoria's health system.

Something so basic and essential should never need to be defended time and again during industrial negotiations.

It is pleasing to note that, during consultations, the Bill received widespread support from across the health sector.

Health services and employees alike recognise the irreplaceable role that nurses have in our health system and our lives.

The Andrews Labor Government looks forward to working collaboratively with the Australian Nursing and Midwifery Federation and public hospitals, public health services, denominational hospitals and multi-purpose services to make sure the changes are discussed in a clear and timely manner.

This will enable stakeholders to plan for the introduction of the Act and to ensure a smooth transition.

The Andrews Labor Government will continue to work with nurses and health services to make further improvements to these ratios over time.

This Bill will help nurses and midwives do what they do best.

It will guarantee every Victorian patient the care they need.

And it will protect the integrity of our highly-respected nursing profession in the future.

I commend the Bill to the house.