

The Hon Brad Hazzard MP
Minister for Health and Minister for Medical Research
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16 August 2019

Dear Minister

RE: *NSW Public Health Act 2010 s104* registered nurses in residential aged care facilities within NSW

You may recall we wrote to you on 5 April 2017 expressing concern regarding the removal of s104 of the *NSW Public Health Act 2010*. You responded on 16 May 2017 referring the issue to the then federal Minister responsible for aged care, the Hon Ken Wyatt MP, and also indicated the matter would be raised at a Health Ministers Advisory Council.

We received a letter from Minister Wyatt dated 15 June 2017 advising the matter of staffing in aged care facilities had been referred to the Senate Community Affairs Reference Committee Inquiry into the future of Australia's Aged Care Sector Workforce. In addition he also indicated the issue would be addressed through the new Aged Care Quality and Safety Commission within the framework of the new quality and safety standards.

Since writing to you there has been conclusion of several inquiries into aged care. In addition there is an ongoing Royal Commission into Aged Care Quality and Safety. The evidence gathered through the latter would suggest there is an urgent need for not only increased clinical oversight in aged care facilities, but higher staffing numbers with higher skills.

In deferring the matter to Minister Wyatt for response, we were referred to review the then pending findings of the Inquiry into the future of Australia's Aged Care Sector Workforce reported in June 2017. We would like to draw your attention to recommendation 8 and 9 of the Inquiry into the future of Australia's Aged Care Sector Workforce's final report, dated June 2017:

8: *"The committee recommends that the government examine the introduction of a minimum nursing requirement for aged care facilities in recognition that an increasing majority of people entering residential aged care have complex and greater needs now than the proportions entering aged care in the past, and that this trend will continue."*

9: *"The committee recommends that the aged care workforce strategy include consideration of and planning for a minimum nursing requirement for aged care services."*

We are aware that the repeal of s104 of the *NSW Public Health Act 2010* is expected on 1 September 2019. We ask that you urgently consider not only retaining this legislation, but also extending it to include all NSW residential aged care facilities offering high care. In doing so, it would guarantee registered nurses are on site at all times. It would also ensure that regardless of staffing methodology in place, this is a minimum expectation that consumers can be assured of.

We understand the nuances of federal versus state boundaries in relation to commonwealth funded aged care. However, we believe the NSW Government still has an obligation to ensure the safety of older people in NSW. We believe that failure to secure a minimum level of registered nurse oversight in NSW residential aged care facilities has the potential to place NSW nursing home residents at risk.

On behalf of

