

The Hon Brad Hazzard  
Minister for Health and Minister for Medical Research  
GPO Box 5341  
Sydney, NSW 2001

5 April 2017

Dear Minister

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

May we take this opportunity to congratulate you on your appointment as Minister for Health and Minister for Medical Research.

Following the inquiry into registered nurses in NSW nursing homes, the former NSW Minister for Health stated her intention to remove long standing protective legislation which secured on-site access to a registered nurse at all times to the most vulnerable elderly residing in residential aged care facilities within our state. This was despite receiving over 25,000 signatures from the community in support of retaining the legislation.

The NSW Inquiry heard evidence of many care failures caused by the absence of registered nurses from residential aged care facilities. Also the impact on the public health system arising from inappropriate hospital admissions and delayed discharge. It heard of the removal of the distinction between low and high care facilities. This has allowed rising acuity of people entering *all* residential aged care facilities and not just those formerly categorised as 'nursing homes'. Many of these have never been required to employ registered nurses.

Rather than removing protective legislation, this trend increases the need for the legal provision to be extended so that it applies to all facilities. A subsequent NSW Elder Abuse Inquiry also highlighted concerns by clinicians and aged care workers that poor staffing ratios and skill mix increases the risk of elder abuse in residential aged care, regardless of former classification.

The 2016/17 Federal budget announced major cuts to aged care funding particularly for those people requiring a high level of complex healthcare, prompting many aged care providers who do employ registered nurses to indicate that they would be likely to make further cuts to the numbers of registered nurses and care workers on site. This is in addition to the already declining number of registered nurses employed in the direct aged care workforce.

Since over 80% of all people entering aged care are assessed and funded as having high care needs logic tells us there should be more, not less skilled nurses within the aged care workforce. The combined evidence would also suggest that the risk climate for elder abuse is greater than it has ever been.

Whilst there is ongoing concern by aged care providers regarding the adequacy of aged care funding and ongoing profitability within the sector, this must not impact on safe patient care.

Our shared concerns regarding this issue prompted NSW professional and community advocacy organisations to form an aged care roundtable. Membership of the roundtable is attached to this letter. Members of the aged care roundtable are not satisfied that the current Commonwealth staffing standards of “sufficient suitably qualified staff” meets the real needs of the current resident cohort of aged care facilities.

We urge you to consider the impact that removing this long standing legislation will have on one of the most vulnerable groups within NSW and request that the legislation requiring registered nurses on site at all times be retained.

We also attach a copy of a previous letter to Ms Jillian Skinner highlighting our concern.



Enc:

- Membership of NSW Aged Care Roundtable
- Summary findings of the Inquiry into registered nurses in NSW nursing homes
- Copy of Letter dated 31.3.16 to Minister Skinner