



Secretary

Department of Health and Human Services



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BAC-3110

Mikaela Meggetto  
Coroner's Registrar  
Coroners Court of Victoria  
65 Kavanagh Street  
SOUTHBANK VIC 3006

Dear Ms Meggetto

**RE: COR 2016 5983 – Inquest into the death of John F Reimers**

Thank you for your letter of 28 August 2019 enclosing a copy of Coroner Audrey Jamieson's finding with inquest into the death of John F Reimers (**Findings**).

The Honourable Jenny Mikakos has referred the Findings to the Department of Health and Human Services (**Department**) for response.

We provide a response to recommendations 4, 5 and 6, those recommendations being relevant to the Department.

**Recommendation 4**

*Recommendation 4: With the aim of promoting public health and safety, preventing like deaths and improving the delivery of care in residential aged care facilities, I recommend that the Federal and State Government Health Departments legislate minimum ratios of nursing staff to patients/residents of aged care facilities as prescribed by the aforementioned national standards.*

**Response to Recommendation 4**

Nurse to patient/resident ratios have been mandated in Victorian public health services since 2000 across a range of clinical settings, inclusive of aged high care residential wards. This has safeguarded staffing levels and created greater certainty around the provision of high-quality care for patients and residents.

In 2015, Victoria became the first jurisdiction to legislate nurse to patient and midwife to patient ratios through establishment of the *Safe Patient Care (Nurse to Patient and Midwife to Patient Ratios) Act 2015* (the Act). This reflects the Victorian Government's strong commitment to ensure minimum staffing levels and to create safe and productive working environments for the protection of patients/residents and staff.

In recognition of changing models of care, the growing need for health services and increasing patient acuity, the Victorian government has committed to make improvements to ratios within the Act for the maintenance of safe staffing arrangements. Improvements to staffing arrangements in aged high care residential wards forms part of this suite of amendments. The first phase of amendments to the Act was passed by Parliament in February 2019, with work to progress a second phase currently underway.

While the Act specifies that aged high care residential wards do not include aged person mental health beds, the Victorian Government has also committed to translate into legislation the mental health staffing arrangements as specified in the Victorian Public Mental Health Services Enterprise Agreement 2016-2020. This aligns with the government's support to establish the Royal Commission into Victoria's Mental Health System, which will likely consider mental health workforce requirements as part of its review.

It is acknowledged that the Royal Commission into Aged Care Quality and Safety is currently investigating the quality of aged care services, including associated workforce elements. The Victorian Government will carefully consider its recommendations to inform continuous quality improvement of staffing requirements in Victorian public sector residential aged care services.

### **Recommendations 5 and 6**

*Recommendation 5: With the aim of promoting public health and safety, preventing like deaths and improving the delivery of care in residential aged care facilities, I recommend that State and Federal Governments create a legislative mandate requiring Personal Care Assistants to hold a Certificate III in Community and Aged Care as a minimum qualification before they can secure employment in the aged care sector.*

*Recommendation 6: With the aim of promoting public health and safety, preventing like deaths and improving the delivery of care in residential aged care facilities, I recommend that State and Federal Governments create a legislative mandate requiring Personal Care Assistants to hold a Senior First Aid/CPR Certificate before they can secure employment in the aged care sector.*

### **Response to Recommendations 5 and 6**

The Victorian Government recognises the importance of maintaining an appropriately educated and skilled aged care workforce, that includes those workers who are not subject to mandated minimum qualifications and a national registration scheme. Accordingly, Victoria has implemented the Code of Conduct for unregistered providers of healthcare under the *Health Complaints Act 2016* (Vic), which covers aged care workers (not registered by the Australian Health Practitioners Regulation Agency) providing health services. This is a negative licensing scheme where health care workers are not registered, but an individual can be investigated for a breach of the Code of Conduct, and if found to have breached the Code, can be prohibited from working in that capacity in the future, with heavy penalties for disregarding a prohibition order.

It is acknowledged that a national regulatory approach for the personal care workforce would provide a level of assurance to safeguard aged care consumers. Regulation is one element of providing safe and high-quality care within a broader service system. A holistic approach including an integrated continuum of care, appropriate funding models, workforce

development opportunities and quality assurance/continuous improvement monitoring can also contribute to delivering safe and quality care for consumers.

As outlined above, the Royal Commission into Aged Care Quality and Safety is currently investigating the quality of aged care services including associated workforce elements. It is anticipated that any regulatory model that mandates minimum qualifications and skills competency for the personal care workforce may be informed by recommendations of the Royal Commission.

The Victorian Government is committed to work with the Commonwealth Government to consider any recommendations made by the Royal Commission relating to workforce skill mix and staffing levels including, if recommended, any legislative mandate requiring Personal Care Assistants to hold minimum qualifications.

Yours sincerely



**Kym Peake**  
Secretary

12 / 11 / 2019