



Quality of Care Amendment (Reviewing Restraints Principles) Principles 2019

I, Richard Colbeck, Minister for Aged Care and Senior Australians, make the following principles.

Dated 22 November 2019

Richard Colbeck
Minister for Aged Care and Senior Australians

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1 Name

This instrument is the *Quality of Care Amendment (Reviewing Restraints Principles) Principles 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after the last day on which a resolution disallowing the <i>Quality of Care Amendment (Minimising the Use of Restraints) Principles 2019</i> or a provision of that instrument could be passed by either House of the Parliament as referred to in section 42 of the <i>Legislation Act 2003</i> . However, the provisions do not commence at all if that instrument or a provision of that instrument is disallowed or taken to have been disallowed on or before that last day.	29 November 2019

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Aged Care Act 1997*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Quality of Care Principles 2014

1 Part 4A (heading)

Repeal the heading, substitute:

Part 4A—Physical or chemical restraint to be used only as a last resort

2 Section 15F (heading)

Repeal the heading, substitute:

15F Physical restraint to be used only as a last resort

3 Section 15G (heading)

Repeal the heading, substitute:

15G Chemical restraint to be used only as a last resort

4 At the end of subsection 15G(1)

Add:

Note 1: Codes of appropriate professional practice for medical practitioners and nurse practitioners provide for the practitioners to obtain informed consent before prescribing medications. Those codes are approved under the Health Practitioner Regulation National Law and are:

- (a) for medical practitioners—*Good medical practice: a code of conduct for doctors in Australia* (which in 2019 could be viewed on the website of the Medical Board of Australia (<https://www.medicalboard.gov.au>)); and
- (b) for nurse practitioners—*Code of conduct for nurses* (which in 2019 could be viewed on the website of the Nursing and Midwifery Board of Australia (<https://www.nursingmidwiferyboard.gov.au>)).

Note 2: State and Territory legislation deals with who can consent to the prescribing of medication for a consumer who cannot consent because of any physical or mental incapacity.

5 At the end of Part 4A

Add:

15H Review of this Part

- (1) The Minister must ensure that there is a review of the operation of this Part (except this section).
- (2) Without limiting subsection (1), the review must consider the effectiveness of this Part in minimising the use of physical restraints and chemical restraints by approved providers in relation to consumers in the period 1 July 2019 to 30 June 2020.
- (3) The review must make provision for consultation.

- (4) The review must be completed by 31 December 2020.
- (5) The Minister must ensure that a written report of the review is prepared.
- (6) The Minister must ensure that a copy of the report is:
 - (a) published on the internet; and
 - (b) tabled in each House of the Parliament within 15 sitting days of that House after the report is given to the Minister.

15J Repeal of this Part and associated definitions on 1 July 2021

- (1) This Part is repealed at the start of 1 July 2021.
- (2) The following definitions in section 4 are repealed at the start of 1 July 2021:
 - (a) *approved health practitioner*;
 - (b) *chemical restraint*;
 - (c) *physical restraint*;
 - (d) *restraint*.