



New South Wales

Private Health Facilities Amendment (Birthing on Country Demonstration Facilities) Regulation 2023

under the

Private Health Facilities Act 2007

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Private Health Facilities Act 2007*.

BRAD HAZZARD, MP
Minister for Health

Explanatory note

The object of this Regulation is to make provision for the establishment of a type of maternity class private health facility to provide Birthing on Country care in the area served by Illawarra Shoalhaven Local Health District.

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1 Name of Regulation

This Regulation is the *Private Health Facilities Amendment (Birthing on Country Demonstration Facilities) Regulation 2023*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Private Health Facilities Regulation 2017

[1] Clause 6 Classes of private health facilities

Omit “maternity (being” from clause 6(j).

Insert instead “maternity (level 1 or level 2) (being”.

[2] Schedule 2 Licensing standards

Omit the heading to Part 10. Insert instead—

Part 10 Maternity (level 1 or level 2) class private health facility

[3] Schedule 2, clause 36A

Insert before clause 37—

36A Definition

In this Part—

Birthing on Country demonstration facility means a maternity (level 1) class private health facility that has an agreement with the local health district serving the area in which the facility is located for—

- (a) support for the delivery of maternity care within the facility, and
- (b) the transfer and admission of patients to a hospital operated by the local health district.

36B One Birthing on Country demonstration facility

- (1) A Birthing on Country demonstration facility must only be located in the area served by Illawarra Shoalhaven Local Health District.
- (2) Illawarra Shoalhaven Local Health District must not enter into an agreement with more than 1 Birthing on Country demonstration facility.

[4] Schedule 2, clause 38(2)

Insert at the end of clause 38—

- (2) Subclause (1)(b) and (c) do not apply to a Birthing on Country demonstration facility.

[5] Schedule 2, clause 41(1)

Omit “(level 1 and level 2)”. Insert instead “(level 1 or level 2)”.

[6] Schedule 2, clauses 44A and 44B

Insert after clause 44—

44A Additional requirements for Birthing on Country demonstration facility

- (1) A Birthing on Country demonstration facility must—
 - (a) have an endorsed midwife on duty at the facility at all times while a patient is admitted to the facility for maternity care, and
 - (b) have at least 1 additional endorsed midwife on call at all times, and

- (c) have a written policy for the delivery of a Birthing on Country model of maternity care, and
 - (d) have a written policy, developed having regard to the Ministry of Health guideline *Maternity and Neonatal Service Capability* published on 20 May 2022, that addresses the following—
 - (i) clinical governance, including competence and credentialing of staff,
 - (ii) quality and safety processes,
 - (iii) service requirements, including consultation, escalation, transfer and education, and
 - (e) comply with the *National Midwifery Guidelines for Consultation and Referral*, 4th edition, published by the Australian College of Midwives, and
 - (f) ensure all midwives providing services at the facility have skills and experience in the following—
 - (i) the repair of perineal tears, other than third and fourth degree perineal tears,
 - (ii) the management of obstetric emergencies and neonatal emergencies.
- (2) In this clause—

endorsed midwife means a midwife whose registration is endorsed under the *Health Practitioner Regulation National Law (NSW)*, section 94.

perineal tear and ***third and fourth degree perineal tear*** have the same meaning as in the *Third and Fourth Degree Perineal Tears Clinical Care Standard*, published by the Australian Commission on Safety and Quality in Health Care in April 2021.

44B Modification of Schedule 1 for Birthing on Country demonstration facility

For a Birthing on Country demonstration facility—

- (a) a reference in Schedule 1, clause 11 to nursing staff is to be read as a reference to midwifery staff, and
- (b) a reference in Schedule 1, clause 18 to a registered nurse is to be read as a reference to a midwife practising at the Birthing on Country demonstration facility.