Legislation Compliance Policy - General Legislation

Policy Statement
The Department of Health takes a coordinated approach across divisions to identify and monitor legislative obligations and to proactively identify and respond to potential breaches of legislation.

The Minister for Health, via the Agencies within the Health Portfolio is responsible for the administration of a number of Acts of the Queensland Parliament.

Reporting on legislation compliance is undertaken to support both the Minister’s and the Department of Health’s legislation responsibilities.

Intent of this policy
To ensure:
- Compliance with General Legislation is monitored and recorded in an accurate and timely manner (at least annually);
- Actual or potential breaches are identified and reported through a systematic and transparent process;
- Responsibilities regarding administration of and compliance with legislation are made clear;
- Responsibilities for reporting and monitoring of legislative compliance are made clear across the department.

Scope
This standard applies to all Department of Health (DoH) employees and contracted staff (permanent, temporary and casual) employed in the department’s divisions and commercialised business units. The monitoring of other agencies and statutory bodies (eg HHSs) is out of scope for this policy.

Roles and responsibilities relating to Portfolio Legislation are outlined in the Regulatory Compliance Policy.

Principles
- **Responsibility**: DoH employees accept responsibility for complying with legislation and for proactively reporting actual or potential breaches
- **Accountability** – A single point of responsibility for each piece of legislation will support and enable robust governance processes
- **Transparency**: Actions are undertaken with integrity and impartiality to support transparent processes
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- **Information sharing**: Information and resources are shared to effectively identify and manage actual or potential breaches
- **Collaboration**: Collaborative partnerships between and across Divisions will ensure information is current and accurate
- **Timeliness**: Information is monitored and reported within the timeframes specified in the Legislation Compliance Implementation Standard and Procedure
- **Compliance**: DoH compliance with legislation is reviewed as prescribed or on a regular basis, not less than annually
- **Risk Based Approach** – Legislation compliance monitoring, reporting and managing activities are prioritised in accordance with the DoH Risk Management Policy
- **Best practice** – Best Practice is used to underpin Legislation Compliance management strategies.

**Legislation or other Authority**

*Public Service Act 2008*
*Public Sector Ethics Act 1994*
*Financial Accountability Act 2009*

**Related policy or documents**

Regulatory Compliance Policy (under development)
Risk Management Policy (QH-POL-070)

**Supporting documents**

Implementation Standard for Monitoring and Reporting Compliance with General Legislation
Procedure for Reporting Actual/Potential Breaches of General Legislation
Portfolio and General Legislation Schedules
Breach Notification Report

**Business area contact**

Principal Risk and Governance Officer, Governance Branch

**Review**

This policy will be reviewed at least every three years.

**Date of last review:** July 2013

**Supersedes:** Legislative Compliance Policy Version 1 2010
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Approval and Implementation

Policy Custodian:
Chief Governance Officer, Governance Branch, System Support Services Division

Responsible Executive Team Member:
Deputy Director-General, System Support Services Division

Approving Officer:
Director-General, Department of Health

Approval date: 03/09/2013
Effective from: 03/09/2013

Definitions of terms used in this policy and supporting documents

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition / Explanation / Details</th>
<th>Source</th>
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</thead>
<tbody>
<tr>
<td>Agency</td>
<td>A department of government or independent body that reports to the Minister for Health e.g. Department of Health.</td>
<td>DoH</td>
</tr>
<tr>
<td>Breach of compliance with legislation</td>
<td>A breach can occur as a result of an act or failing to do an act, and includes a failure to comply with a legislation or other requirement under this Policy</td>
<td>Acts Interpretation Act 1954 (Qld)/DoH</td>
</tr>
<tr>
<td>Compliance Manager</td>
<td>Nominated senior officer responsible for monitoring and reporting compliance for a particular Act of part of an Act of (General Legislation)</td>
<td>DoH</td>
</tr>
<tr>
<td>General Legislation</td>
<td>Legislation that applies across government</td>
<td>DoH</td>
</tr>
<tr>
<td>Monitored Agency</td>
<td>An agency that is monitored by DoH such as The Australian Health Practitioner Regulation Agency</td>
<td>DoH</td>
</tr>
<tr>
<td>Legislation Custodian</td>
<td>Nominated senior officer responsible for administration of a particular Act or part of Act (Portfolio Legislation)</td>
<td>DoH</td>
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<tr>
<td>Portfolio Legislation</td>
<td>Legislation that is the responsibility of the Minister via an agency</td>
<td>DoH</td>
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<td>Significant Breach of compliance with legislation</td>
<td>Failure to meet responsibilities under General Legislation and the failure could result in the discipline or suspension or the termination of employment of the officer or officers involved and/or penalties under legislation</td>
<td>DoH</td>
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Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Prepared by</th>
<th>Comments</th>
</tr>
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<tbody>
<tr>
<td>2.0</td>
<td>July 2013</td>
<td>Linda Moule</td>
<td>Review of the 2010 Legislative Compliance Policy</td>
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