

Managing general legislation compliance

Department of Health Standard

QH-IMP-482-2:2021

1. Statement

Queensland Health (the Department) ensures effective compliance with legislative obligations under general legislation for which the Director-General is accountable.

2. Scope

This standard applies to all employees, contractors and consultants within the Department's divisions, including Queensland Ambulance Service (QAS). QAS compliance with the principles of the Legislative compliance management framework is achieved through the *QAS Legislative compliance procedure*.

3. Requirements

3.1. Compliance management approach

- 3.1.1. The Department will strive to continuously improve the safety and quality of services through effective and efficient management of internal legislative obligations under general legislation.
- 3.1.2. General legislation is structured into a three-tier risk-based model, each with minimum requirements identified in this standard.
- 3.1.3. All Department employees, contractors and consultants are responsible for being aware of, and abiding by, the compliance obligations and approved processes relevant to their function.
- 3.1.4. All Department employees are responsible for proactively identifying and reporting actual and potential breaches of legislation and for identifying related policies which may have also been breached in accordance with the *Legislative compliance internal breach reporting guideline*.
- 3.1.5. Departmental supervisors and managers must cooperate with and support Compliance Managers in meeting the legislative compliance obligations of the Department and encourage employees to do the same. Additionally, supervisors and managers are responsible for establishing processes which comply with legislative requirements and for reporting and managing actual and potential breaches in their work areas.
- 3.1.6. RAIM Branch will coordinate annual attestation statement on internal compliance performance and quarterly internal compliance breach reporting (by exception) to the Executive Leadership Team and the Department's Audit and Risk Committee.

3.2. General legislation compliance planning and promotion

3.2.1. Compliance Managers must develop and document a fit-for-purpose compliance approach which meets the requirements prescribed for the relevant tier.

Minimum requirements for each tier		1	2	3
plan	Documents the approach to compliance with legislative obligations across the Department including how other business areas contribute	x		
	Identify key policies which support compliance with legislative obligations	x		
	Compliance approach captured in a document is encouraged, but not required		x	x
	Compliance obligation requirements are embedded into policy or local procedures	x	x	x
report	Compliance performance across the Department reported at least annually	x	x	x
	Quarterly breach reports to RAIM Branch required by exception	x	x	x
	Other reporting on compliance performance as requested from time to time	x	x	x
review	Documented compliance approach reviewed annually, or whenever there is a significant change to the legislation	x		
	Legislation considered periodically (as required) to confirm relevant tier	x	x	x

3.3. General legislation compliance performance monitoring and reporting

3.3.1. Compliance Managers for general legislation:

- have line of sight of the assessment and management of risks and controls,
- ensure relevant staff are aware of their legislative obligations under general legislation
- develop and maintain key documents to support legislative compliance
- ensure policy custodians are informed of legislative changes which may necessitate a change to policy (if these roles are held by different positions).

3.3.2. Compliance Managers are to ensure the process for reporting potential, actual and significant breaches of legislation is followed (refer to the *Legislation compliance internal breach reporting guideline*).

3.3.3. Compliance Managers are to provide annual compliance statements, breach reporting each quarter by exception and other compliance performance reporting as required from time to time.

- Quarterly compliance breach reports (by exception) will include the number and nature of actual and potential breaches, including breaches of key related policies; and action taken, or controls introduced to address internal compliance breaches to prevent recurrence.

3.3.4. Compliance Managers will provide annual attestation statements to RAIM Branch that include:

- summary of actual (and identifying those that are deemed significant) and potential internal compliance breaches, including breaches of related policies and actions taken to address deficiencies of controls and/or achieve or regain compliance
- key trends, issues or risks arising
- how roles and responsibilities are discharged in relation to this standard
- how human rights and Aboriginal and Torres Strait Islander considerations have been incorporated into compliance activities and any associated impacts and provide any data (where applicable/available).

3.4. Records management

- 3.4.1. Current documents to support legislative compliance, monitoring and reporting (e.g. policies and procedures) are reviewed and maintained.
- 3.4.2. Appropriate corporate information and record keeping systems are established, maintained and used for recording key compliance planning, monitoring and reporting activities.

4. Legislation

The below is a list of the primary legislation outlining the Department's role and authority in relation to good governance and organisational management.

- *Constitution of Queensland 2001*
- *Crime and Corruption Act 2001 (Qld)*
- *Financial Accountability Act 2009 (Qld)*
- *Financial and Performance Management Standard 2019*
- *Human Rights Act 2019*
- *Public Interest Disclosure Act 2010 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
Public Sector Ethics Regulation 2010
- *Public Service Act 2008 (Qld)*
Public Service Regulation 2018

5. Supporting documents

- Portfolio and general legislation compliance management policy
- Administering portfolio legislation standard
- Portfolio and general legislation schedule
- Legislative compliance internal breach reporting guideline
- Legislative compliance internal breach notification report form
- Risk management standard
- Corporate records management policy

6. Definitions

Term	Definition
Breach of internal compliance with legislation	<p>An internal breach can occur as a result of an act or failing to do an act and includes a failure to comply with legislation or other requirement, under this standard</p> <ul style="list-style-type: none"> - actual breach: evidence suggests an internal breach has occurred, i.e. obligation was not met - potential breach: evidence suggests internal breach is likely to occur without intervention (risk of breach), i.e. a deficiency or weakness in key control/s that could result in an actual internal breach
Compliance	Awareness of and upholding of relevant laws and regulation
Compliance Manager	Nominated senior officer responsible for monitoring and reporting compliance across the Department for a particular Act or part of an Act of General Legislation
Compliance approach / plan (General Legislation)	<p>Documented approach to compliance with legislative obligations. There is no prescribed template, however minimum requirements are to:</p> <ul style="list-style-type: none"> - identify and risk assess legislative obligations and articulate how compliance with these obligations is addressed - identify responsible/lead officer or business area for each obligation and (if relevant) key stakeholders or partners that support key obligations - identify key policies and procedures which support compliance and integrate obligations - where relevant, outline any planned improvement initiatives to support compliance - include processes for capturing and reporting breaches - identify when the plan will be periodically reviewed
General legislation	Legislation that applies across Government and administered by other agencies

Term	Definition
Legislation	An Act of Parliament or subordinate legislation which includes (without limitation) general legislation and portfolio legislation
Legislative Compliance Management Framework	The policy suite to support the effective administration of portfolio legislation and the management, monitoring and reporting of compliance with internal legislative obligations under general and portfolio legislation in the Department of Health
Significant breach of internal compliance with legislation	Failure to meet responsibilities under legislation and the failure could result in disciplinary or other proceedings against an individual and/or the Department. Note, sanctions under the <i>Work Health and Safety Act</i> or <i>Electrical Safety Act</i> where proceedings have been commenced or a penalty for non-compliance has been issued, are considered significant breaches

Version Control

Version	Date	Comments
V 1.0	1 July 2021	<i>Endorsed first version to support the new overarching Administering and managing legislative compliance Policy. Replaces General Legislation Compliance Standard QH-IMP-035-1:2015.</i>