

# Queensland Health ('Department of Health')

## Portfolio and general legislation schedule

Current as at 1 April 2023

[QH-GDL-482-4:2021]

### Key points

The Department of Health's compliance accountabilities for Portfolio, Monitored Agency and General legislation are described in the Portfolio and general legislation compliance management policy.

Legislation Custodians (Custodians) are nominated senior officers responsible for administering and managing compliance for a particular Act or part of an Act (Portfolio legislation).

Compliance Managers are nominated senior officers responsible for managing compliance for a particular Act or part of an Act (General legislation).

### Schedule 1A: Portfolio legislation – Department of Health

Legislation	Custodian *
Ambulance Service Act 1991 Ambulance Service Regulation 2015	Commissioner, Queensland Ambulance Service
Food Act 2006 Food Regulation 2016	Executive Director, Health Protection Branch, Queensland Public Health and Scientific Services
Health Transparency Act 2019 Health Transparency Regulation 2020	Deputy Director-General, Clinical Excellence Queensland
Hospital and Health Boards Act 2011 Hospital and Health Boards Regulation 2012 Hospital and Health Boards (Nursing and Midwifery Workload Management Standard) Notice 2016	Deputy Director-General, Healthcare Purchasing and System Performance Division
Mater Public Health Services Act 2008	Deputy Director-General, Healthcare Purchasing and System Performance Division
Medicines and Poisons Act 2019 Medicines and Poisons (Medicines) Regulation 2021 Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 Medicines and Poisons (Pest Management Activities) Regulation 2021	General Manager, Queensland Public Health and Scientific Services
Mental Health Act 2016 Mental Health Regulation 2017	Executive Director, Mental Health Alcohol and Other Drugs Branch, Clinical Excellence Queensland
Pharmacy Business Ownership Act 2001	Executive Director, Healthcare Regulation Branch, Queensland Public Health and Scientific Services

\* Custodians are nominated senior officers responsible for administration of a particular Act or part of an Act (Portfolio Legislation).

Schedule 1A: Portfolio legislation – Department of Health (continued)

Legislation	Custodian *
Private Health Facilities Act 1999 Private Health Facilities Regulation 2016 Private Health Facilities (Standards) Notice 2016	Chief Health Officer
Public Health Act 2005 Public Health Regulation 2018	General Manager, Queensland Public Health and Scientific Services
Public Health (Infection Control for Personal Appearance Services) Act 2003 Public Health (Infection Control for Personal Appearance Services) Regulation 2016 Public Health (Infection Control for Personal Appearance Services) (Infection Control Guideline) Notice 2013	Executive Director, Communicable Diseases Branch, Queensland Public Health and Scientific Services
Radiation Safety Act 1999 Radiation Safety Regulation 2021 Radiation Safety (Radiation Safety Standards) Notice 2021	Executive Director, Health Protection Branch, Queensland Public Health and Scientific Services
Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Act 2003 Research Involving Human Embryos and Prohibition of Human Cloning for Reproduction Regulation 2015	Executive Director, Office of Research and Innovation, Clinical Planning and Service Strategy Division
Termination of Pregnancy Act 2018	Deputy Director-General, Clinical Excellence Queensland
Therapeutic Goods Act 2019 ** Therapeutic Goods Regulation 2021	General Manager, Queensland Public Health and Scientific Services
Tobacco and Other Smoking Products Act 1998 Tobacco and Other Smoking Products Regulation 2021	Executive Director, Prevention Strategy Branch, Strategy, Policy and Reform Division
Transplantation and Anatomy Act 1979 Transplantation and Anatomy Regulation 2017	Executive Director, Healthcare Regulation Branch, Queensland Public Health and Scientific Services
Voluntary Assisted Dying Act 2021 Voluntary Assisted Dying Regulation 2022	Executive Director, Voluntary Assisted Dying Program, Clinical Excellence Queensland
Water Fluoridation Act 2008 Water Fluoridation Regulation 2020	Executive Director, Health Protection Branch, Queensland Public Health and Scientific Services

\* Custodians are nominated senior officers responsible for administration of a particular Act or part of an Act (Portfolio Legislation).

\*\* The effect of the *Therapeutic Goods Act 2019 (Qld)* is to give all powers and administrative compliance and enforcement powers to the Commonwealth. Therefore, the legislative custodian is not responsible for administering or managing compliance with this Act.

## Schedule 1B: Portfolio legislation – Monitored Agencies

Legislation	Custodian*
Health and Wellbeing Queensland Act 2019	Chairperson, Health and Wellbeing Queensland Board
Health Ombudsman Act 2013 Health Ombudsman Regulation 2014	Ombudsman, Office of the Health Ombudsman
Health Practitioner Regulation National Law Act 2009	Chief Executive Officer, Australian Health Practitioner Regulation Agency
Health Practitioner Regulation National Law (Queensland) ** Health Practitioner Regulation National Law Regulation 2018	Chief Executive Officer, Australian Health Practitioner Regulation Agency
Hospital Foundations Act 2018 Hospital Foundations Regulation 2018	Chairpersons, Hospital Foundation Boards
Mental Health Act 2016 *** Mental Health Regulation 2017	President, Mental Health Review Tribunal
Queensland Institute of Medical Research Act 1945	Council of the Queensland Institute of Medical Research
Queensland Mental Health Commission Act 2013	Commissioner, Queensland Mental Health Commission
Voluntary Assisted Dying Act 2021**** Voluntary Assisted Dying Regulation 2022	Chair, Voluntary Assisted Dying Review Board

\* Custodians are nominated senior officers responsible for administration of a particular Act or part of an Act (Portfolio Legislation).

\*\* The *Health Practitioner Regulation National Law Act 2009* is applied (with modifications) as a law of Queensland under section 4 of that Act. This version is the Law as it applies in Queensland (i.e. with the modifications applied) and is authorised under section 4(2) of the *Health Practitioner Regulation National Law Act 2009*.

\*\*\* To the extent of administering provisions relevant to the Mental Health Review Tribunal.

\*\*\*\* To the extent of administering provisions relevant to the Voluntary Assisted Dying Review Board.

## Schedule 2: General legislation – Department of Health

### Key points

General legislation is structured into a three-tier risk-based model, each with minimum requirements identified in the Managing general legislation compliance standard. General legislation compliance includes all applicable subordinate legislation.

Legislation – Tier 1	Compliance Manager *
<p>Aged Care Act 1997 (Cth)</p> <ul style="list-style-type: none"> <li>Accountability Principles 2014</li> <li>Allocation Principles 2014</li> <li>Approval of Care Recipients Principles 2014</li> <li>Classification Principles 2014</li> <li>Extra Service Principles 2014</li> <li>Fees and Payments Principles 2014 (No.2)</li> <li>Grant Principles 2014</li> <li>Information Principles 2014</li> <li>Prioritised Home Care Recipients Principle 2016</li> <li>Quality of Care Principles 2014</li> <li>Records Principles 2014</li> <li>Subsidy Principles 2014</li> <li>User Rights Principles 2014</li> <li>Aged Care (Subsidy, Fees and Payments) Determination 2014</li> <li>Aged Care (Transitional Provisions) (Residential Care Subsidy) Determination 2014</li> <li>Aged Care (Transitional Provisions) (Subsidy and Other Measures) Determination 2014</li> <li>Aged Care (Conditions of Allocation) Determination 2016</li> <li>Aged Care (Leave from Residential Care Services) (Situation of Emergency – Human Coronavirus with Pandemic Potential) Determination 2020</li> </ul> <p>Aged Care (Transitional Provisions) Act 1997 (Cth)</p> <ul style="list-style-type: none"> <li>Aged Care (Transitional Provisions) Principles 2014</li> </ul> <p>Aged Care (Accommodation Payment Security) Act 2006 (Cth)</p> <p>Aged Care (Accommodation Payment Security) Levy Act 2006 (Cth)</p> <p>Aged Care (Living Longer Living Better) Act 2013 (Cth)</p> <p>Aged Care Amendment (Red Tape Reduction in Places Management) Act 2016 (Cth)</p> <p>Aged Care Legislation Amendment (Increasing Consumer Choice) Act 2016 (Cth)</p> <p>Aged Care Quality and Safety Commission Act 2018 (Cth)</p> <ul style="list-style-type: none"> <li>Aged Care Quality and Safety Commission Rules 2018</li> </ul>	<p>Executive Director, System Policy Branch, Strategy, Policy and Reform Division</p>

\* Compliance Managers are nominated senior officers responsible for monitoring and reporting compliance for a particular Act or part of an Act (General Legislation).

Schedule 2: General legislation – Department of Health (continued)

Legislation – Tier 1	Compliance Manager *
Anti-Discrimination Act 1991	Chief Human Resources Officer, Human Resources Branch, Corporate Services Division
Auditor-General Act 2009	Chief Audit Officer, Governance, Assurance and Information Management Branch, Corporate Services Division
Australia’s Foreign Relations (State and Territory Arrangements) Act 2020 (Cth) Australia’s Foreign Relations (State and Territory Arrangements) Rules 2020	Executive Director, Office of Research and Innovation, Clinical Planning and Service Strategy Division
Building Act 1975 Building Fire Safety Regulation 2008 Building Regulation 2021	Director, Infrastructure Design, Health Capital Division
Building Industry Fairness (Security of Payment) Act 2017 Building Industry Fairness (Security of Payment) Regulation 2018	Executive Director, Infrastructure Delivery, Health Capital Division
Coroners Act 2003 Coroners Regulation 2015	Deputy Director-General, Clinical Excellence Queensland
Crime and Corruption Act 2001 Crime and Corruption Regulation 2015	Executive Director, Office of the Director-General
Disaster Management Act 2003 Disaster Management Regulation 2014	Senior Director, Disaster Management Branch, Office of the Chief Operating Officer
Electrical Safety Act 2002 Electricity Safety (Codes of Practice) Notice 2013 Electrical Safety Regulation 2013	Executive Director, Governance, Assurance and Information Management Branch, Corporate Services Division
Financial Accountability Act 2009 Financial Accountability Regulation 2019 Financial and Performance Management Standard 2019	Chief Finance Officer, Finance Branch, Corporate Services Division
Fire and Emergency Services Act 1990 Building Fire Safety Regulation 2008 Fire and Emergency Services Regulation 2011	Director, Infrastructure Design, Health Capital Division

\* Compliance Managers are nominated senior officers responsible for monitoring and reporting compliance for a particular Act or part of an Act (General Legislation).

Schedule 2: General legislation – Department of Health (continued)

Legislation – Tier 1	Compliance Manager *
Heavy Vehicle National Law Act 2012 Heavy Vehicle National Law Regulation 2014 Transport Planning and Coordination Regulation 2017	Executive Director, Supply Chain Surety Branch, Corporate Services Division
Industrial Relations Act 2016 Industrial Relations Regulation 2018 Industrial Relations (Tribunals) Rules 2011	Chief Human Resources Officer, Human Resources Branch, Corporate Services Division
Information Privacy Act 2009 Information Privacy Regulation 2009	Executive Director, Governance, Assurance and Information Management Branch, Corporate Services Division
Plumbing and Drainage Act 2018 Plumbing and Drainage Regulation 2019	Director, Infrastructure Design, Health Capital Division
Public Interest Disclosure Act 2010	Executive Director, Office of the Director-General
Public Sector Ethics Act 1994 Public Sector Ethics Regulation 2010	Chief Human Resources Officer, Human Resources Branch, Corporate Services Division
Public Sector Act 2022	Chief Human Resources Officer, Human Resources Branch, Corporate Services Division
Workers' Compensation and Rehabilitation Act 2003 Workers' Compensation and Rehabilitation Regulation 2014 Workers' Compensation and Rehabilitation (QOTE) Notice 2022	Chief Human Resources Officer, Human Resources Branch, Corporate Services Division
Work Health and Safety Act 2011 Work Health and Safety Regulation 2011 Work Health and Safety (Codes of Practice) Notice 2022	Chief Human Resources Officer, Human Resources Branch, Corporate Services Division

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Schedule 2: General legislation – Department of Health (continued)

Legislation – Tier 2	Compliance Manager *
Environmental Protection Act 1994 Environmental Protection (Air) Policy 2019 Environmental Protection (Noise) Policy 2019 Environmental Protection Regulation 2019 Environmental Protection (Water and Wetland Biodiversity) Policy 2019	Director, Office of Hospital Sustainability, Queensland Public Health and Scientific Services
Healthcare Identifiers Act 2010 (Cth) Healthcare Identifiers Regulations 2020	Deputy Director-General, eHealth Queensland
Human Rights Act 2019 Human Rights Regulation 2020	Executive Director, Governance, Assurance and Information Management Branch, Corporate Services Division
Major Events Act 2014 – Part 5, Division 5	Senior Director, Disaster Management Branch, Office of the Chief Operating Officer
My Health Records Act 2012 (Cth) My Health Records Rule 2016 My Health Records (National Application) Rules 2017 My Health Records (Assisted Registration) Rule 2015 My Health Records (Information Commissioner Enforcement Powers) Guidelines 2016 My Health Records (Opt-out Trials) Rule 2016 My Health Records Regulation 2012	Deputy Director-General, eHealth Queensland
Planning Act 2016 Planning Regulation 2017	Senior Director, Infrastructure Investment Development, Health Capital Division
Public Records Act 2002 Public Records Regulation 2014	Executive Director, Governance, Assurance and Information Management Branch, Corporate Services Division
Renewable Energy (Electricity) Act 2000 (Cth) Renewable Energy (Electricity) Regulations 2001	Director, Office of Hospital Sustainability, Queensland Public Health and Scientific Services
Right to Information Act 2009 Right to Information Regulation 2009	Executive Director, Governance, Assurance and Information Management Branch, Corporate Services Division
State Penalties Enforcement Act 1999 State Penalties Enforcement Regulation 2014 State Penalties Enforcement (Transitional) Regulation 2017	General Manager, Queensland Public Health and Scientific Services

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Schedule 2: General legislation – Department of Health (continued)

Legislation – Tier 2	Compliance Manager *
Therapeutic Goods Act 1989 (Cth)	Executive Director, Supply Chain Surety Branch, Corporate Services Division
Working with Children (Risk Management and Screening) Act 2000 Working with Children (Risk Management and Screening) Regulation 2020	Chief Human Resources Officer, Human Resources Branch, Corporate Services Division
Waste Reduction and Recycling Act 2011 Waste Reduction and Recycling Regulation 2011	Director, Office of Hospital Sustainability, Queensland Public Health and Scientific Services

\* Compliance Managers are nominated senior officers responsible for monitoring and reporting compliance for a particular Act or part of an Act (General Legislation).



Schedule 2: General legislation – Department of Health (continued)

Legislation – Tier 3	Compliance Manager *
Drugs Misuse Act 1986 Drugs Misuse Regulation 1987	Executive Director, Healthcare Regulation Branch, Queensland Public Health and Scientific Services
Electronic Transactions (Queensland) Act 2001	TBC
Integrity Act 2009 Integrity Regulation 2011	TBC
National Health Act 1953 (Cth)	TBC

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