General Legislation Compliance

1. Statement
The Department of Health (DoH) 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.

2. Purpose
To fulfil the legislative standards set out in the Public Service Act 2008, Public Sector Ethics Act 1994 and Financial Accountability Act 2009. Specifically, the purpose of this Policy is to ensure that:

- 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.

3. Scope
This policy applies to all employees, contractors and consultants within the Department of Health divisions and commercialised business units. The monitoring of other agencies and statutory bodies (e.g. HHSs) is out of scope for this policy. Roles and responsibilities relating to Portfolio Legislation are outlined in the Regulatory Compliance Policy.

4. 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
- **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.
5. Requirements

All Departmental Employees, contractors and consultants are responsible for ensuring they are compliant with legislative requirements in General Legislation and able to provide documented evidence of their compliance.

Departmental supervisors and managers have responsibilities relating to reporting and managing potential and actual breaches in their work areas. The specific responsibilities are set out in the related Standard. Compliance managers have monitoring and reporting responsibilities relating to compliance with requirements in General Legislation.

6. Legislation

- Public Service Act 2008 (Qld)
- Public Sector Ethics Act 1994 (Qld)
- Financial Accountability Act 2009 (Qld)

7. Supporting documents

- General Legislation Compliance Standard
- Reporting Actual and Potential Breaches of General Legislation

8. Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</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>
</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>
</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>
</tr>
<tr>
<td>General Legislation</td>
<td>Legislation that applies across government</td>
</tr>
<tr>
<td>Monitored Agency</td>
<td>An agency that is monitored by DoH such as The Australian Health Practitioner Regulation Agency</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>
</tr>
<tr>
<td>Portfolio Legislation</td>
<td>Legislation that is the responsibility of the Minister via an agency</td>
</tr>
<tr>
<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>
</tr>
</tbody>
</table>

Version Control

<table>
<thead>
<tr>
<th>Version</th>
<th>Date</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Version 1</td>
<td>July 2013</td>
<td>Review of the 2010 Legislation Compliance Policy.</td>
</tr>
</tbody>
</table>