1. **Statement**

The Minister for Health and Minister for Ambulance Services is responsible for meeting the objectives of public health legislation in Queensland.

The Director-General of Queensland Health (as Chief Executive) is the accountable person for administration of public health (portfolio) legislation on behalf of the Minister, except under the *Private Health Facilities Act 1999* where the Chief Health Officer is the accountable person.

The Prevention Division is committed to the appropriate and effective administration of relevant public health legislation. The Division takes a coordinated approach to identifying and monitoring its public health legislation obligations and proactively identifies and responds to potential breaches of legislation.

2. **Purpose**

To ensure that when administering its portfolio legislation, the Prevention Division does so appropriately, consistent with its legislative obligations, and in accordance with contemporary regulatory practice.

Specifically, the purpose of this policy (and associated documents) is to ensure:

- responsibilities and expectations regarding the administration of portfolio legislation are made clear to all relevant employees, contractors and consultants within the Prevention Division
- the Department is complying with portfolio legislation
- systems are in place to monitor that other agencies undertaking regulatory activities (including devolved activities) and regulated entities are complying with portfolio legislation
- systems and processes are designed and implemented to ensure compliance with portfolio legislation is monitored, recorded, reported and where relevant, enforced, in a fair, consistent and timely manner
- a responsive, innovative, and coordinated state-wide public health regulatory system.

3. **Scope**

The scope of this policy is public health (portfolio) legislation administered by the Prevention Division. Public health legislation accounts for twelve out of seventeen portfolio Acts administered by Queensland Health.

The policy applies to all employees, contractors and consultants engaged by the Department of Health or a Hospital and Health Service who are involved in the administration of public health legislation for which the Prevention Division is responsible.

4. **Principles**

The principles below should guide the conduct of all employees, contractors and consultants engaged by the Department of Health or a Hospital and Health Service who are involved in the administration of public health legislation for which the Prevention Division is responsible.

4.1 **Regulatory**

- **Consistency**: all public health action and decision making related to regulation is carried out in a standardised manner which is applied equitably across Queensland.
Accountability of officers authorised under public health legislation: authorised officers appointed under public health legislation are accountable to the Director-General\(^1\) or delegate, who is in turn accountable to the Minister for Health, for monitoring and enforcing compliance with public health legislation.

Transparency: encouraging and assisting compliance through open, consistent and transparent regulatory expectations, consequences of non-compliance, and enforcement decision-making processes.

Risk-based and proportionate: applying the most appropriate efficient and effective mix of regulatory and non-regulatory interventions to achieve compliance, determined by the relative severity and likelihood of harm and history of non-compliance.

Reduce regulatory burden: encouraging streamlining of regulatory processes to identify opportunities to reduce unnecessary red tape and to not impose unnecessary costs on individuals, business and government agencies.

4.2 General

Evidence-based practice: applying the best available data, including research-proven assessments and interventions, combined with education, skills and experience as a health professional, to drive public health strategies, initiatives and practice in the context in which the public health problem occurs.

Collaboration: working together and building effective partnerships across Hospital and Health Services, other government and non-government agencies, health partners, industry and the public to effectively manage public health risks and incidents.

Accountability: fulfilling obligations at both the individual and organisational level to make decisions and implement public health interventions in a way that is justifiable, efficient, effective, ethical, compliant with policies and guidelines and delivered in an open and transparent manner.

Capable workforce: investing in training and professional development to maintain a competent and capable workforce with appropriate knowledge and skills to do their jobs effectively.

Supportive governance: maintaining supportive and effective governance structures with information sharing.

Quality and service improvement: supporting and participating in regular monitoring, analysis, review and evaluation of performance, to strive for continual improvement.

The *Public Health Practice Manual* outlines additional principles relevant to effective public health practice.

5. Requirements

All employees, contractors and consultants engaged by the Department of Health or a Hospital and Health Service who are involved in the administration of public health legislation for which the Prevention Division is responsible must perform their related responsibilities with due care, skill and diligence. These responsibilities must be fulfilled in accordance with legislative obligations and all relevant policy and regulatory documents, including timely reporting of any identified legislative breaches. Divisional supervisors, managers and directors have additional responsibilities relating to reporting and managing potential and actual legislative breaches in their area of responsibility.

Legislative custodians are responsible for identifying and documenting legislative obligations, overseeing the management of risks, ensuring staff are aware of their legislative obligations and developing and maintaining key documents to support legislative compliance, monitoring, enforcement and reporting. Key documents include;

- compliance plans

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\(^1\) Except for the *Private Health Facilities Act 1999* whereby authorised officers retain accountability to the Chief Health Officer and Deputy Director-General Prevention Division.
These responsibilities are set out in more detail in the *Administering portfolio legislation – Prevention Division standard* and *Prevention Division Authorised Officer Practice Standard*.

6. Legislation

The Prevention Division is responsible for administering and maintaining the following public health Acts (portfolio legislation) and subordinate legislation:

- *Food Act 2006*
- *Health Act 1937*
- *Pest Management Act 2001*
- *Pharmacy Business Ownership Act 2001*
- *Private Health Facilities Act 1999*
- *Public Health Act 2005*
- *Public Health (Infection Control for Personal Appearances Services) Act 2003*
- *Public Health (Medicinal Cannabis) Act 2016*
- *Radiation Safety Act 1999*
- *Tobacco and Other Smoking Products Act 1998*
- *Transplantation and Anatomy Act 1979*


7. Supporting documents

- Administering portfolio legislation – Prevention Division standard
- Administering portfolio legislation – Public health authorised officer standard
- Portfolio legislation compliance planning – Prevention Division guideline
- Portfolio legislation obligations identification and risk management – Prevention Division guideline
- Portfolio legislation reporting – Prevention Division guideline
- Public Health Enforcement Decision Guideline
- Public Health Practice Manual
### 8. Definitions

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<th>Term</th>
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| Authorised Officer            | Person appointed by the Chief Executive Queensland Health, or delegate, responsible for monitoring compliance and investigating non-compliance with a particular public health Act. May be employed by the Department of Health or Hospital and Health Service. Includes appointments under the following public health legislation:  
  - Emergency Officer (general) – s333 *Public Health Act 2005*.  
  - Emergency Officer (medical) – s335 *Public Health Act 2005*.  
  - Contact Tracing Officer – s90 *Public Health Act 2005*.  
| Breach                        | The breaking of a condition. A breach can occur as a result of an act or failing to do an act, and includes a failure to comply with a legislative or other requirement.                                                                                          |
| Compliance                    | Awareness of and upholding of relevant laws and regulations.                                                                                                                                                                                                                                                                                   |
| Legislative custodian         | Nominated senior officer responsible for administration of a particular Act or part of an Act (Portfolio Legislation). See General Legislation: [Schedule 1A: Portfolio Legislation Guideline for details of legislative custodians](#).                                                                                                         |
| Non-compliance                | A failure to act in accordance with, or uphold relevant laws or regulation.                                                                                                                                                                                                         |
| Portfolio legislation         | Legislation that is the responsibility of the Minister via an agency                                                                                                                                                                                                                 |
| Public health Acts            | Refer to legislation listed in section 6                                                                                                                                                                                                                                                                                                    |
| Public health legislation     | Refer to legislation listed in section 6                                                                                                                                                                                                                                                                                                    |
# Version Control

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<td>March 2016</td>
<td>Incorporation of feedback Manager PHRSU.</td>
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<td>5 April 2016</td>
<td>Incorporation of feedback from Manager PHRSU, Strategic Policy and Legislation Branch and Health Care Regulation Branch.</td>
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<td>May 2016</td>
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<td>1.1</td>
<td>31 August 2018</td>
<td>Minor amendments to expand the scope of the policy to incorporate the Prevention Division Authorised Officer Practice Standard which applies to both Department of Health and Hospital and Health Services employees involved in the administration of public health legislation on behalf of the Prevention Division.</td>
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