



Queensland

Queensland Industry Participation Policy Bill 2010



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2010

A Bill

for

An Act to provide for the development and implementation of a local industry participation policy for the State, and to require reporting to Parliament on the policy's implementation and government agencies', and GOCs', compliance with it

[s 1]

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
1 Short title	3
This Act may be cited as the <i>Queensland Industry Participation Policy Act 2010</i> .	4 5
2 Commencement	6
This Act commences on a day to be fixed by proclamation.	7
3 Act binds all persons	8
(1) This Act binds all persons, including the State.	9
(2) Nothing in this Act makes the State liable to be prosecuted for an offence.	10 11
4 Contravention of this Act does not create civil cause of action	12 13
No provision of this Act creates a civil cause of action based on a contravention of the provision.	14 15
5 Definitions	16
The dictionary in the schedule defines particular words used in this Act.	17 18

Part 2	Local industry policy	1
6	The local industry policy	2
(1)	The Minister must develop and adopt a policy (the <i>local industry policy</i>) about the participation by local industry in projects, developments, procurements and other initiatives undertaken or funded, whether wholly or partially, by the State.	3 4 5 6 7
(2)	The policy may include guidelines about its application and procedures to be followed in complying with it.	8 9
7	Local industry policy objectives	10
	In developing the local industry policy, the Minister must have regard to the following objectives—	11 12
(a)	maximising employment and business growth in Queensland by expanding market opportunities for local industry;	13 14 15
(b)	providing agencies and GOCs with access to a wide range of capable local industry in Queensland that can deliver value for money;	16 17 18
(c)	supporting regional and rural development in Queensland;	19 20
(d)	developing local industry’s long-term international competitiveness, and flexibility in responding to changing global markets, by giving local industry a fair opportunity to compete against foreign suppliers of goods and services;	21 22 23 24 25
(e)	promoting local industry’s involvement in value-adding activities in Queensland;	26 27
(f)	driving technology transfer, research and development, innovation and improved productivity for local industry in Queensland, to enhance value for money.	28 29 30

[s 8]

8	Local industry policy principles	1
	The local industry policy must be consistent with the following principles—	2 3
	(a) achieving value for money;	4
	(b) ensuring probity and accountability for procurement outcomes;	5 6
	(c) minimising the compliance burden on agencies and GOCs by avoiding unnecessary and excessive administration.	7 8 9
9	Local industry policy to be consistent with other requirements	10 11
	The local industry policy must be consistent with the following—	12 13
	(a) the obligations of the State under any conventions, treaties or other international agreements to which the Commonwealth is a party;	14 15 16
	(b) any policies, standards, notifications, directions or other requirements relevant to the procurement activities of an agency or GOC, including under the following—	17 18 19
	(i) the <i>Financial Accountability Act 2009</i> ;	20
	(ii) the <i>Government Owned Corporations Act 1993</i> ;	21
	(iii) the <i>Public Service Ethics Act 1994</i> .	22
10	Consultation required when developing or reviewing local industry policy	23 24
	(1) Before adopting the local industry policy, or reviewing the policy after its adoption, the Minister must consult with—	25 26
	(a) agencies; and	27
	(b) GOCs; and	28
	(c) industry organisations and trade unions; and	29
	(d) any other entities the Minister considers appropriate.	30

(2)	For subsection (1)(a) and (b), the Minister must consult with the following—	1 2
(a)	for an agency—the Minister of the agency;	3
(b)	for a GOC—the shareholding Ministers of the GOC.	4
11	Agencies and GOCs to comply with local industry policy	5
(1)	An agency must comply with the local industry policy.	6
(2)	A GOC must comply with the local industry policy only if the shareholding Ministers of the GOC notify the board of the GOC under the <i>Government Owned Corporations Act 1993</i> , section 114 that the local industry policy applies to the GOC.	7 8 9 10
Part 3	Publication, and reporting on implementation, of local industry policy	11 12 13
12	Publication and inspection of local industry policy	14
	The Minister must ensure that the local industry policy, including any guidelines mentioned in section 6(2), as in force from time to time, is—	15 16 17
(a)	published on the department’s website; and	18
	<i>Editor’s note—</i>	19
	The department’s website is < www.deedi.qld.gov.au >.	20
(b)	available for public inspection, free of charge, at the offices of the department during ordinary office hours.	21 22

[s 13]

13	Minister to report on implementation of local industry policy	1 2
(1)	The Minister must prepare a report for Parliament for each financial year on the implementation of the local industry policy during that financial year.	3 4 5
(2)	The report is to be in the form, and contain the information, decided by the Minister.	6 7
(3)	The Minister must table a copy of the report for a financial year in the Legislative Assembly on or before 30 November in the following financial year.	8 9 10
14	Agencies to provide information to Minister	11
(1)	The Minister may, by written notice, ask an agency to provide any information the Minister requires for the purposes of preparing a report under section 13.	12 13 14
(2)	The notice must state a reasonable period to comply with the request.	15 16
(3)	The agency must comply with the request within the stated period, unless complying with the request would place the agency in contravention of a law.	17 18 19
15	GOCs to provide information to shareholding Ministers	20
(1)	The Minister may, by written notice (the <i>Minister's notice</i>), ask the shareholding Ministers for a GOC to obtain from the GOC any information the Minister requires for the purposes of preparing a report under section 13.	21 22 23 24
(2)	The Minister's notice must state a reasonable period to comply with the request.	25 26
(3)	When asked by the Minister under subsection (1), the shareholding Ministers must, by written notice (the <i>shareholding Ministers' notice</i>), ask the GOC to provide the information requested by the Minister to the shareholding Ministers.	27 28 29 30 31

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- (4) The shareholding Ministers' notice must state a reasonable period to comply with the request. 1
2
- (5) The GOC must comply with the request within the stated period, unless complying with the request would place the GOC in contravention of a law. 3
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5
- (6) The shareholding Ministers must give the information provided under subsection (5) to the Minister within the period stated in subsection (2). 6
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Part 4 Savings provision 9

16 Saving of existing local industry policy 10

The document titled 'Local industry policy—fair go for local industry' published on the department's website and in force immediately before the commencement of this section is taken to be the local industry policy for this Act. 11
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Editor's note— 15

This document is available on the department's website at <www.deedi.qld.gov.au>. 16
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Schedule	Dictionary	1
	section 5	2
<i>agency</i> means—		3
(a) a department; or		4
(b) a statutory body within the meaning of the <i>Financial Accountability Act 2009</i> ; or		5 6
(c) a special purpose vehicle.		7
GOC includes a subsidiary of a GOC.		8
local industry means suppliers of goods produced, or services provided, wholly or partly in Australia or New Zealand.		9 10
local industry policy see section 6(1).		11
shareholding Ministers , of a GOC, see the <i>Government Owned Corporations Act 1993</i> , section 78.		12 13
special purpose vehicle —		14
(a) means a corporation incorporated under the Corporations Act and—		15 16
(i) established by the State to undertake a specific project; and		17 18
(ii) to which the State provides financial support, under a funding arrangement, for the corporation to undertake the project; and		19 20 21
(iii) in which the State is a shareholder;		22
(b) but does not include a GOC.		23