



# **Queensland Industry Participation Policy Act 2011**

**Current as at 1 October 2014**





Queensland

# Queensland Industry Participation Policy Act 2011

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# Queensland Industry Participation Policy Act 2011

**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**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Queensland Industry Participation Policy Act 2011*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

### **3 Act binds all persons**

- (1) This Act binds all persons, including the State.
- (2) Nothing in this Act makes the State liable to be prosecuted for an offence.

### **4 Contravention of this Act does not create civil cause of action**

No provision of this Act creates a civil cause of action based on a contravention of the provision.

## 5 Definitions

The dictionary in the schedule defines particular words used in this Act.

# Part 2 Local industry policy

## 6 The local industry policy

- (1) The Minister must develop and adopt a policy (the *local industry policy*) about the participation by local industry in projects, developments, procurements and other initiatives undertaken or funded, whether wholly or partially, by the State.
- (2) The policy may include guidelines about its application and procedures to be followed in complying with it.

## 7 Local industry policy objectives

In developing the local industry policy, the Minister must have regard to the following objectives—

- (a) maximising employment and business growth in Queensland by expanding market opportunities for local industry;
- (b) providing agencies and GOCs with access to a wide range of capable local industry in Queensland that can deliver value for money;
- (c) supporting regional and rural development in Queensland;
- (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;

- (e) promoting local industry's involvement in value-adding activities in Queensland;
- (f) driving technology transfer, research and development, innovation and improved productivity for local industry in Queensland, to enhance value for money.

## **8 Local industry policy principles**

The local industry policy must be consistent with the following principles—

- (a) achieving value for money;
- (b) ensuring probity and accountability for procurement outcomes;
- (c) minimising the compliance burden on agencies and GOCs by avoiding unnecessary and excessive administration.

## **9 Local industry policy to be consistent with other requirements**

The local industry policy must be consistent with the following—

- (a) the obligations of the State under any conventions, treaties or other international agreements to which the Commonwealth is a party;
- (b) any policies, standards, notifications, directions or other requirements relevant to the procurement activities of an agency or GOC, including under the following—
  - (i) the *Financial Accountability Act 2009*;
  - (ii) the *Government Owned Corporations Act 1993*;
  - (iii) the *Public Service Ethics Act 1994*.

## **10 Consultation required when developing or reviewing local industry policy**

- (1) Before adopting the local industry policy, or reviewing the policy after its adoption, the Minister must consult with—
  - (a) agencies; and
  - (b) GOCs; and
  - (c) industry organisations and trade unions; and
  - (d) any other entities the Minister considers appropriate.
- (2) For subsection (1)(a) and (b), the Minister must consult with the following—
  - (a) for an agency—the Minister of the agency;
  - (b) for a GOC—the shareholding Ministers of the GOC.

## **11 Agencies, GOCs and rail government entities to comply with local industry policy**

- (1) An agency must comply with the local industry policy.
- (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 *Government Owned Corporations Act 1993*, section 114 that the local industry policy applies to the GOC.
- (3) If the responsible Ministers give a rail government entity's board written notice that the local industry policy applies to the rail government entity or a subsidiary of the entity, the rail government entity or subsidiary must comply with the local industry policy.
- (4) If the local industry policy applies to a rail government entity, its board must ensure the entity complies with the local industry policy.
- (5) If the local industry policy applies to a subsidiary of a rail government entity, the entity's board must, as far as practicable, ensure the subsidiary complies with the local industry policy.



(6) Before giving a notice under subsection (3) to a rail government entity, the responsible Ministers must consult with the entity's board.

(7) In this section—

***rail government entity*** means a government entity under the *Public Service Act 2008*, section 24(1)(c) whose principal business is doing either or both of the following directly, or indirectly through its subsidiaries—

- (a) managing a railway;
- (b) operating rolling stock on a railway.

***responsible Ministers*** means—

- (a) the Treasurer; and
- (b) the Minister administering the *Queensland Rail Transit Authority Act 2013*.

## Part 3 **Publication, and reporting on implementation, of local industry policy**

### 12 **Publication and inspection of local industry policy**

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—

- (a) published on the department's website; and

*Editor's note—*

The department's website is <[www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au)>.

- (b) available for public inspection, free of charge, at the offices of the department during ordinary office hours.

**13 Annual report to include report on implementation of local industry policy**

- (1) The department's annual report for a financial year must include a report on the implementation of the local industry policy for that financial year.
- (2) In this section—  
*annual report* see the *Financial Accountability Act 2009*, schedule 3.

**14 Agencies to provide information to Minister**

- (1) The Minister may, by written notice, ask an agency to provide any information required for the purposes of reporting on the implementation of the local industry policy under section 13.
- (2) The notice must state a reasonable period to comply with the request.
- (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.

**15 GOCs to provide information to shareholding Ministers**

- (1) The Minister may, by written notice (the *Minister's notice*), ask the shareholding Ministers for a GOC to obtain from the GOC any information required for the purposes of reporting on the implementation of the local industry policy under section 13.
- (2) The Minister's notice must state a reasonable period to comply with the request.
- (3) When asked by the Minister under subsection (1), the shareholding Ministers must, by written notice (the *shareholding Ministers' notice*), ask the GOC to provide the information requested by the Minister to the shareholding Ministers.
- (4) The shareholding Ministers' notice must state a reasonable period to comply with the request.

- (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.
- (6) The shareholding Ministers must give the information provided under subsection (5) to the Minister within the period stated in subsection (2).

## **Part 4 Savings provision**

### **16 Saving of existing local industry policy**

The document titled ‘Local industry policy—fair go for local industry’ in force immediately before the commencement of this section was taken to be the local industry policy for this Act from 1 July 2011 to 3 April 2014.

## Schedule Dictionary

### section 5

**agency** means—

- (a) a department; or
- (b) a statutory body within the meaning of the *Financial Accountability Act 2009*; or
- (c) a special purpose vehicle.

**GOC** includes a subsidiary of a GOC.

**local industry** means suppliers of goods produced, or services provided, wholly or partly in Australia or New Zealand.

**local industry policy** see section 6(1).

**shareholding Ministers**, of a GOC, see the *Government Owned Corporations Act 1993*, section 78.

**special purpose vehicle**—

- (a) means a corporation incorporated under the Corporations Act and—
  - (i) established by the State to undertake a specific project; and
  - (ii) to which the State provides financial support, under a funding arrangement, for the corporation to undertake the project; and
  - (iii) in which the State is a shareholder;
- (b) but does not include a GOC.

## 1 Index to endnotes

- 2 Key
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- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= <b>Acts Interpretation Act 1954</b>	<b>(prev)</b>	= <b>previously</b>
<b>amd</b>	= <b>amended</b>	<b>proc</b>	= <b>proclamation</b>
<b>amd</b>	= <b>amendment</b>	<b>prov</b>	= <b>provision</b>
<b>t</b>			
<b>ch</b>	= <b>chapter</b>	<b>pt</b>	= <b>part</b>
<b>def</b>	= <b>definition</b>	<b>pubd</b>	= <b>published</b>
<b>div</b>	= <b>division</b>	<b>R[X]</b>	= <b>Reprint No. [X]</b>
<b>exp</b>	= <b>expires/expired</b>	<b>RA</b>	= <b>Reprints Act 1992</b>
<b>gaz</b>	= <b>gazette</b>	<b>reloc</b>	= <b>relocated</b>
<b>hdg</b>	= <b>heading</b>	<b>renu</b>	= <b>renumbered</b>
		<b>m</b>	
<b>ins</b>	= <b>inserted</b>	<b>rep</b>	= <b>repealed</b>
<b>lap</b>	= <b>lapsed</b>	<b>(retro</b>	= <b>retrospectively</b>
		<b>)</b>	
<b>notf</b>	= <b>notified</b>	<b>rv</b>	= <b>revised version</b>
<b>d</b>			
<b>num</b>	= <b>numbered</b>	<b>s</b>	= <b>section</b>

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	= <b>order in council</b>	<b>sch</b>	= <b>schedule</b>
<b>om</b>	= <b>omitted</b>	<b>sdiv</b>	= <b>subdivision</b>
<b>orig</b>	= <b>original</b>	<b>SIA</b>	= <b>Statutory Instruments Act 1992</b>
<b>p</b>	= <b>page</b>	<b>SIR</b>	= <b>Statutory Instruments Regulation 2012</b>
<b>para</b>	= <b>paragraph</b>	<b>SL</b>	= <b>subordinate legislation</b>
<b>prec</b>	= <b>preceding</b>	<b>sub</b>	= <b>substituted</b>
<b>pres</b>	= <b>present</b>	<b>unnum</b>	= <b>unnumbered</b>
		<b>m</b>	
<b>prev</b>	= <b>previous</b>		

### **3 Table of reprints**

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	1 July 2011	

<b>Current as at</b>	<b>Amendments included</b>	<b>Notes</b>
3 May 2013	2013 Act No. 19	
1 October 2014	2014 Act No. 40	

## 4 List of legislation

### **Queensland Industry Participation Policy Act 2011 No. 5**

date of assent 4 April 2011

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2011 (2011 SL No. 99)

amending legislation—

### **Queensland Rail Transit Authority Act 2013 No. 19 ss 1, 120 sch 1**

date of assent 3 May 2013

commenced on date of assent

### **State Development, Infrastructure and Planning (Red Tape Reduction) and Other Legislation Amendment Act 2014 No. 40 chs 1, 2 pt 2**

date of assent 15 August 2014

ss 1–2 commenced on date of assent

remaining provisions commenced 1 October 2014 (2014 SL No. 209)

## 5 List of annotations

### **Agencies, GOCs and rail government entities to comply with local industry policy**

s 11 amd 2013 No. 19 s 120 sch 1

### **Annual report to include report on implementation of local industry policy**

s 13 sub 2014 No. 40 s 24

### **Agencies to provide information to Minister**

s 14 amd 2014 No. 40 s 25

### **GOCs to provide information to shareholding Ministers**

s 15 amd 2014 No. 40 s 25

### **Saving of existing local industry policy**

s 16 amd 2014 No. 40 s 25A