



# Queensland Industry Participation Policy Act 2011

Reprinted as in force on 1 July 2011

Reprint No. 1

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This Act is reprinted as at 1 July 2011.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to omit the enacting words (s 42A).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about when provisions commenced.**

## Spelling

The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’).

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Queensland Industry Participation Policy Act 2011

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# Queensland Industry Participation Policy Act 2011

[reprinted as in force on 1 July 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.

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## 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*.

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## **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 and GOCs 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.

# **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

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*Editor's note—*

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

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

### **13 Minister to report on implementation of local industry policy**

- (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.
- (2) The report is to be in the form, and contain the information, decided by the Minister.
- (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.

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

- (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.
- (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 the Minister requires for the purposes of preparing a report under section 13.
- (2) The Minister's notice must state a reasonable period to comply with the request.

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- (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' 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.

*Editor's note—*

This document is available on the department's website at <[www.deedi.qld.gov.au](http://www.deedi.qld.gov.au)>.

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# 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.

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Queensland Industry Participation Policy Act 2011 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2011	

## 5 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)