



Queensland Industry Participation Policy Act 2011

Current as at 3 May 2013

Information about this reprint

This reprint shows the legislation current as at the date on the cover and is authorised by the Parliamentary Counsel.

A new reprint of the legislation will be prepared by the Office of the Queensland Parliamentary Counsel when any change to the legislation takes effect. This change may be because a provision of the original legislation, or an amendment to it, commences or because a particular provision of the legislation expires or is repealed.

When a new reprint is prepared, this reprint will become a historical reprint. Also, if it is necessary to replace this reprint before a new reprint is prepared, for example, to include amendments with a retrospective commencement, an appropriate note would be included on the cover of the replacement reprint and on the copy of this reprint at www.legislation.qld.gov.au.

The endnotes to this reprint contain detailed information about the legislation and reprint. For example—

- The table of reprints endnote lists any previous reprints and, 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.
- The list of legislation endnote gives historical information about the original legislation and the legislation which amended it. It also gives details of uncommenced amendments to this legislation. For information about possible amendments to the legislation by Bills introduced in Parliament, see the Queensland Legislation Current Annotations at www.legislation.qld.gov.au/information.
- The list of annotations endnote gives historical information at section level.

All Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints are not continued.



Queensland

Queensland Industry Participation Policy Act 2011

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Queensland Industry Participation Policy Act 2011

[as amended by all amendments that commenced on or before 3 May 2013]

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.

[s 5]

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*.

[s 10]

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.energy.qld.gov.au>.

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

[s 13]

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.
- (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.energy.qld.gov.au>.

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). Accordingly, this reprint includes all amendments that commenced operation on or before 3 May 2013. 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 version
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

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 3237 0466 or email 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.

Reprint No.	Amendments included	Effective	Notes
1	none	1 July 2011	
Current as at 3 May 2013		Amendments included 2013 Act No. 19	Notes

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)

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

6 List of annotations

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

prov hdg amd 2013 No. 19 s 120 sch 1

s 11 amd 2013 No. 19 s 120 sch 1

7 Forms notified or published in the gazette

Lists of forms are no longer included in reprints. Now see the separate forms document published on the website of the Office of the Queensland Parliamentary Counsel at <www.legislation.qld.gov.au> under Information—Current annotations. This document is updated weekly and the most recent changes are marked with a change bar.

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