



Queensland Productivity Commission Act 2025

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Queensland

Queensland Productivity Commission Act 2025

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Queensland Productivity Commission Act 2025

An Act to establish the Queensland Productivity Commission

Part 1 Preliminary

1 Short title

This Act may be cited as the *Queensland Productivity Commission Act 2025*.

2 Commencement

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

3 Main purpose

The main purpose of this Act is to establish the Queensland Productivity Commission to undertake inquiries and research and to provide independent advice to the Minister in relation to economic and social issues, regulatory matters or legislation having particular regard to productivity, economic growth and improving living standards in Queensland.

4 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

Part 2 **Queensland Productivity Commission**

Division 1 **Establishment**

5 **Establishment**

The Queensland Productivity Commission is established.

6 **Legal status**

The commission—

- (a) is a body corporate; and
- (b) may sue and be sued in its corporate name.

7 **Commission represents the State**

- (1) The commission represents the State.
- (2) Without limiting subsection (1), the commission has the status, privileges and immunities of the State.

8 **Application of other Acts**

The commission is—

- (a) a statutory body under the *Financial Accountability Act 2009*; and
- (b) a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*; and

Note—

The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way that Act affects the commission's powers.

- (c) a unit of public administration under the *Crime and Corruption Act 2001*.

Division 2 Functions and powers

9 Functions

- (1) The main functions of the commission are—
 - (a) to undertake inquiries into economic and social issues, regulatory matters or legislation as directed by the Minister; and
 - (b) to undertake research into economic and social issues, regulatory matters or legislation as directed or approved by the Minister, or on its own initiative; and
 - (c) to administer, monitor and review regulatory matters as directed by the Minister; and
 - (d) to provide advice to the Minister as requested.
- (2) Also, the commission has any other function given to it under this Act or another Act.

10 Powers

- (1) The commission has all the powers of an individual and may do anything necessary or convenient to be done in the performance of its functions.
- (2) Also, the commission has the powers given to it under this Act or another Act.

11 Authentication of documents

A document made by the commission is sufficiently made if it is signed by the productivity commissioner or another person authorised by the board.

Division 3 Board

12 Establishment

The board is established as the governing body of the commission.

13 Functions

The functions of the board are—

- (a) to ensure the commission performs its functions in a proper, effective and efficient way; and
- (b) any other function given to the board under this Act or another Act.

14 Powers

- (1) The board has all the powers to do anything necessary or convenient to be done in the performance of its functions.
- (2) Also, the board has any other power given to it under this Act or another Act.
- (3) Anything done in the name of, or for, the commission by the board is taken to have been done by the commission.

15 Composition

- (1) The board consists of at least 1 but not more than 4 persons appointed by the Governor in Council on the recommendation of the Minister.
- (2) One of the persons appointed under subsection (1) must be appointed as the productivity commissioner.
- (3) The Minister may recommend a person for appointment under subsection (1) only if the Minister is satisfied the person is appropriately qualified.

16 Term of appointment

- (1) A commissioner holds office for the term, not longer than 3 years, stated in the commissioner's instrument of appointment.
- (2) A person may be reappointed as a commissioner.

17 Conditions of appointment

- (1) A commissioner is to be paid the remuneration and allowances decided by the Governor in Council.
- (2) A commissioner holds office on the terms and conditions, not provided for by this Act, that are decided by the Governor in Council.

18 Productivity commissioner

- (1) The Governor in Council may, on the recommendation of the Minister, appoint a commissioner to be the productivity commissioner.
- (2) A commissioner may be appointed as the productivity commissioner at the same time the person is appointed as a commissioner.
- (3) The productivity commissioner holds office for the term stated in the person's instrument of appointment as the productivity commissioner.
- (4) However, the person's appointment as the productivity commissioner ends if—
 - (a) the person stops being a commissioner; or
 - (b) the person resigns from the office of productivity commissioner by signed notice given to the Minister.
- (5) The productivity commissioner is responsible for—
 - (a) managing and directing the activities of the commission; and

- (b) ensuring the board performs its functions and exercises its powers appropriately.
- (6) A commissioner may be reappointed as the productivity commissioner.

19 Preservation of rights

- (1) This section applies if a person who is a public service officer is appointed as a commissioner.
- (2) The person keeps all rights accrued or accruing to the person as a public service officer as if service as a commissioner were a continuation of service as a public service officer.
- (3) At the end of the person's term of office or resignation as a commissioner, the person's service as a commissioner is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.

20 Disqualification

A person is disqualified from becoming, or continuing as, a commissioner if the person—

- (a) is an insolvent under administration; or
- (b) is disqualified from managing corporations because of the Corporations Act, part 2D.6; or
- (c) is a staff member or contractor of the commission; or
- (d) has a conviction, other than a spent conviction, for an indictable offence; or
- (e) does not consent to the Minister requesting a report about the person's criminal history under section 27.

21 Vacancy in office

The office of a commissioner becomes vacant if the commissioner—

- (a) completes a term of office and is not reappointed; or

- (b) is disqualified from continuing in office under section 20; or
- (c) resigns by notice under section 22; or
- (d) is removed from office under section 23.

22 Resignation

- (1) A commissioner may resign from office by signed notice given to the Minister.
- (2) The resignation takes effect when the Minister receives the notice or, if a later day is stated in the notice, the later day.

23 Removal

- (1) The Governor in Council may remove a commissioner from office on the recommendation of the Minister.
- (2) The Minister may recommend the commissioner's removal only if the Minister is satisfied the commissioner—
 - (a) has engaged in—
 - (i) inappropriate or improper conduct in an official capacity; or
 - (ii) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the office; or
 - (b) is incapable of performing the functions of the commissioner because of a physical or mental incapacity or for some other reason; or
 - (c) has neglected, or incompetently performed, the duties of the commissioner.
- (3) This section does not limit the *Acts Interpretation Act 1954*, section 25.

24 Acting commissioner

- (1) The Minister may appoint a person to act in the office of a commissioner during—
 - (a) a vacancy in the office; or
 - (b) a period when the commissioner is absent from duty or can not, for another reason, perform the functions of the office.
- (2) An appointment under subsection (1) must be for a period of not longer than 6 months.
- (3) However, the Minister may extend the appointment for a further period of not longer than 6 months.
- (4) This section does not limit the Governor in Council's power under the *Acts Interpretation Act 1954*, section 25.

25 Disclosure of interests

- (1) This section applies to a commissioner if—
 - (a) the commissioner has a direct or indirect financial or personal interest in a matter being considered, or about to be considered, by the board as part of the exercise of the board's functions; and
 - (b) the interest could conflict with the proper performance of the commissioner's duties in relation to the matter.
- (2) As soon as practicable after the relevant facts come to the commissioner's knowledge, the commissioner must disclose the nature of the interest to the Minister.
- (3) Unless the Minister directs otherwise, the commissioner must not—
 - (a) perform the commissioner's duties in relation to the matter; or
 - (b) take part in a decision of the board on the matter.
- (4) A failure to make a disclosure under this section does not, of itself, invalidate a decision of the board or the commissioner.

26 Meetings and minutes

- (1) The productivity commissioner may convene meetings of the board as the productivity commissioner considers appropriate.
- (2) The productivity commissioner is to preside at all board meetings at which the productivity commissioner is present.
- (3) If the productivity commissioner is absent from a board meeting, another commissioner chosen by the commissioners present at the meeting must preside.
- (4) A board meeting may be held using any technology that reasonably allows commissioners to hear and take part in discussions as they happen.
- (5) A commissioner who takes part in a board meeting under subsection (4) is taken to be present at the meeting.
- (6) The board must keep minutes of all board meetings.

Division 4 Criminal history

27 Criminal history report

- (1) To decide if a person is disqualified from becoming or continuing as a commissioner, the Minister may ask the police commissioner for—
 - (a) a written report about the criminal history of the person; and
 - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) However, the Minister may make the request only if the person has given the Minister written consent for the request.
- (3) The police commissioner must comply with the request in relation to information in the police commissioner's possession or to which the police commissioner has access.
- (4) Before using information obtained under this section, the Minister must—

- (a) disclose the information to the person; and
- (b) allow the person a reasonable opportunity to make representations to the Minister about the information.

28 Changes in criminal history must be disclosed

- (1) This section applies if a person who is a commissioner is convicted of an indictable offence.
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the conviction to the Minister under this section.

Maximum penalty—100 penalty units.

- (3) The notice must state—
 - (a) the existence of the conviction; and
 - (b) when the offence was committed; and
 - (c) details adequate to identify the offence; and
 - (d) the sentence imposed on the person.

29 Confidentiality of criminal history information

- (1) This section applies to a person who possesses criminal history information because the person is or has been a commissioner or another person involved in administering this Act, including, for example, a public service employee.
- (2) The person must not use or, directly or indirectly, disclose to another person the criminal history information unless the use or disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

- (3) The person may use or disclose to another person the criminal history information if the use or disclosure is—
 - (a) in the performance of a function or exercise of a power under this Act; or
 - (b) otherwise required or permitted by law; or

-
- (c) with the consent of the person to whom the criminal history information relates.
- (4) A person who possesses a report given to the Minister under section 27 or a notice given to the Minister under section 28 must ensure the report or notice is destroyed as soon as practicable after it is no longer needed for the purpose for which it was given.
- (5) In this section—
- criminal history information* means information contained in—
- (a) a report given to the Minister under section 27; or
- (b) a notice given to the Minister under section 28.
- disclose* includes give access to.

Division 5 Staff

30 Staff of commission

- (1) The commission may employ the staff it considers appropriate to perform its functions.
- (2) Staff are to be employed under this Act and not the *Public Sector Act 2022*.
- (3) A staff member is not subject to direction by any person, other than a commissioner or a person authorised by a commissioner, about the way in which the commission's functions are to be performed.

Division 6 Miscellaneous

31 Committees

- (1) The commission may establish committees to assist in the performance of the commission's functions.

- (2) The commission may decide the membership and functions of a committee it establishes.
- (3) Subject to the directions of the board, a committee may conduct its proceedings, including its meetings, as it considers appropriate.

Part 3 Inquiries, research and administration of regulatory matters under a direction

Division 1 Preliminary

32 Application of part

This part applies if a direction is given by the Minister under section 38 to the commission—

- (a) to undertake an inquiry into a stated economic or social issue, regulatory matter or legislation; or
- (b) to undertake research into, and give advice about, stated economic or social issues, regulatory matters or legislation; or
- (c) to administer, monitor or review a stated regulatory matter.

Division 2 Inquiries and research

33 Public consultation required for inquiry

- (1) If the direction is a direction mentioned in section 32(a), the commission must undertake public consultation in relation to the inquiry.
- (2) This section is subject to any requirements about the type of public consultation required under the direction.

34 Minister's response to and public availability of report for inquiry

- (1) This section applies if the commission gives the Minister a report about an inquiry undertaken by the commission.
- (2) The Minister must give the commission a written response to the report within 3 months after receiving the report.
- (3) As soon as practicable after receiving the Minister's response, the commission must publish the report on the commission's website.

35 Power to require information for inquiries and research

- (1) This section applies if the direction is a direction mentioned in section 32(a) or (b).
- (2) The commission may, by notice given to a relevant entity, require the entity—
 - (a) to give the commission a copy of related information on or before a stated reasonable day; or
 - (b) to make related information available for inspection by the commission at a stated reasonable time and place.
- (3) The relevant entity must comply with the notice.
- (4) However, the relevant entity may refuse to comply with the notice to the extent—
 - (a) the related information is subject to legal professional privilege, parliamentary privilege or public interest immunity; or
 - (b) complying with the notice is prohibited under an Act; or
 - (c) complying with the notice could reasonably be expected to prejudice the investigation of a contravention, or possible contravention, of a law.
- (5) The relevant entity is not liable for a breach of a contract, confidence or duty for giving the commission a copy of the related information, or making the related information

available for inspection by the commission, as required by the notice.

(6) In this section—

government agency—

(a) means—

- (i) a department; or
- (ii) an agency, authority, commission, corporation, instrumentality, office, or other entity, established under an Act or under State authorisation for a public or State purpose; or
- (iii) a part of an entity mentioned in subparagraph (ii); or
- (iv) a corporation incorporated under the Corporations Act all the stocks or shares in the capital of which are ultimately or beneficially owned by the State or an entity mentioned in any of subparagraphs (i) to (iii); but

(b) does not include a local government.

local government company means—

- (a) a corporation owned by a local government; or
- (b) a subsidiary of a corporation owned by a local government under the Corporations Act, section 9.

related information, for a relevant entity, means a document or other information that—

- (a) is in the possession or under the control of the entity; and
- (b) relates to the entity or a business carried out by the entity; and
- (c) is relevant to the matter the subject of the direction mentioned in section 32(a) or (b).

relevant entity means—

- (a) a government agency; or

- (b) a local government; or
- (c) a local government company.

Division 3 Regulatory matters

36 Publication of particular matters

If the direction is a direction mentioned in section 32(c), the commission must publish on the commission's website any guidelines, procedures or other documents developed in relation to the regulatory matter.

Part 4 Research conducted on commission's own initiative

37 Undertaking research on commission's initiative

- (1) The commission may, on its own initiative, undertake research into a matter relating to economic and social issues, regulatory matters or legislation.
- (2) Subsection (3) applies if the commission intends to publish the results of the research (the *proposed research*).
- (3) Before undertaking the proposed research, the commission must give the Minister notice of its decision (a *research proposal*) to undertake the proposed research.
- (4) A research proposal must include sufficient information about the proposed research to enable the Minister to decide whether the proposed research is—
 - (a) relevant to economic or social issues, regulatory matters or legislation; and
 - (b) suitable to be undertaken by the commission.
- (5) After receiving the research proposal, the Minister must—
 - (a) consider the proposed research; and

- (c) to undertake a particular type of public consultation in undertaking a stated inquiry.
- (3) The direction can not be about the content of any advice or recommendation given by the commission.
- (4) If a direction is given under subsection (1), the commission must—
 - (a) comply with the direction; and
 - (b) publish a copy of the direction on the commission’s website.

39 Use or disclosure of confidential information

- (1) This section applies to a person who—
 - (a) is or has been—
 - (i) the Minister; or
 - (ii) a commissioner; or
 - (iii) a member of staff or a contractor of the commission; or
 - (iv) any other person performing functions under or relating to the administration of this Act, including, for example, a public service employee; and
 - (b) in that capacity, has acquired or has access to confidential information about another person.

- (2) The person must not disclose the confidential information to anyone else, or use the information, other than under this section.

Maximum penalty—100 penalty units.

- (3) The person may disclose or use the confidential information—
 - (a) to the extent the disclosure or use is—
 - (i) necessary to perform the person’s functions under or relating to this Act; or

- (ii) otherwise required or permitted under this Act or another law; or
 - (b) with the consent of the person to whom the information relates; or
 - (c) to the extent the disclosure or use—
 - (i) does not identify the person to whom the information relates; and
 - (ii) does not allow the identity of the person to be reasonably ascertained; or
 - (d) in compliance with a lawful process requiring production of documents to, or giving evidence before, a court or tribunal.
- (4) In this section—
- disclose* includes give access to.
- information* includes a document.

40 Annual report

- (1) This section applies to an annual report the commission is required to prepare and give the Minister under the *Financial Accountability Act 2009*, section 63.
- (2) The annual report must include—
 - (a) details of the functions performed by the commission during the year; and
 - (b) information about how efficiently and effectively the commission performed the commission's functions, including, for example, identifying key achievements and financial and non-financial performance; and
 - (c) details of any direction given under section 38 during the year.
- (3) The board must approve the report before it is given to the Minister.

- (4) The report must not disclose confidential information without the consent of the person to whom the information relates.

41 Other reporting requirements

The commission must, if requested by the Minister—

- (a) keep the Minister reasonably informed about the functions performed and powers exercised by the commission; and
- (b) comply with a reasonable request by the Minister to give the Minister stated information at a stated time about the functions performed or powers exercised by the commission.

42 Delegations

- (1) The board may delegate any of its functions to—
- (a) a commissioner; or
 - (b) an appropriately qualified member of the commission's staff.
- (2) In this section—
function includes power.

43 Protection from liability

- (1) An official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents a civil liability attaching to the official, the liability instead attaches to the State.
- (3) This section does not apply to an official if the official is a prescribed person within the meaning of the *Public Sector Act 2022*, section 267.

[s 44]

Note—

For protection from civil liability in relation to prescribed persons, see the *Public Sector Act 2022*, section 269.

(4) In this section—

official means—

- (a) the Minister; or
- (b) a commissioner; or
- (c) a member of the commission's staff.

44 Approved forms

The commission may approve forms for use under this Act.

45 Regulation-making power

The Governor in Council may make regulations under this Act.

Part 6 Transitional provisions

46 Definition for part

In this part—

transferring employee see section 47(1).

47 Transfer of employees

- (1) This section applies to a person (a *transferring employee*) who, immediately before the commencement, was—
 - (a) a public service employee employed by the department; and
 - (b) mentioned in a register of transferees approved by the chief executive.

-
- (2) Subject to subsections (3) to (5) and section 48, the transferring employee becomes a member of the commission's staff as if the person had been employed under section 30.
 - (3) To the extent an industrial instrument applied in relation to the transferring employee immediately before the commencement, the instrument is taken to apply to the commission in place of the department.
 - (4) To the extent a fixed term contract was in effect in relation to the transferring employee immediately before the commencement, nothing in this part affects the operation of the fixed term contract.
 - (5) The transfer of the transferring employee's employment to the commission does not—
 - (a) affect the employee's benefits, entitlements or remuneration; or
 - (b) prejudice the employee's existing or accruing rights to superannuation or recreation, sick, long service or other leave; or
 - (c) interrupt continuity of service, except that the employee is not entitled to claim the benefit of a right or entitlement more than once in relation to the same period of service; or
 - (d) constitute a termination of employment by the department or a retrenchment or redundancy; or
 - (e) entitle the employee to a payment or other benefit from the State because the employee is no longer employed by the department.
 - (6) Subsection (3) stops applying if an industrial instrument is made after the commencement that applies to the transferring employee and the commission.
 - (7) In this section—

industrial instrument see the *Industrial Relations Act 2016*, schedule 5.

48 Application of directives to transferring employees

- (1) This section applies if an existing directive applied to a transferring employee immediately before the commencement.
- (2) The existing directive continues to apply to the transferring employee until the directive is revoked or replaced by a directive made after the commencement.
- (3) To the extent a change to the existing directive takes effect after the commencement, the change applies for the purposes of the directive's application under subsection (2).
- (4) The *Public Sector Act 2022*, sections 228 and 229, apply in relation to the existing directive.
- (5) In this section—
directive see the *Public Sector Act 2022*, schedule 2.
existing directive means—
 - (a) a directive; or
 - (b) a continued directive under the *Public Sector Act 2022*, section 307 or 308.

49 Transfer of particular records to commission

- (1) On the commencement, the chief executive must give each relevant public record to the commission.
- (2) For subsection (1), a *relevant public record* is a public record that—
 - (a) was held by the department immediately before the commencement; and
 - (b) is any of the following—
 - (i) a public record related to a transferring employee;
 - (ii) a public record that was, on the abolition of the Queensland Productivity Commission under the repealed *Queensland Productivity Commission Act 2015*, transferred to the department;

- (iii) a public record related to the administration of regulatory best practice policies;
 - (iv) a public record related to any other activity that was, immediately before the commencement, carried out by the administrative unit within the department known as the Office of Productivity and Red Tape Reduction and that relates to a function to be performed by the commission after the commencement;
 - (v) any other public record related to a function to be performed by the commission after the commencement.
- (3) This section does not limit the application of the *Public Records Act 2023* in relation to a relevant public record.
- (4) In this section—
public record see the *Public Records Act 2023*, section 9.

Schedule 1 Dictionary

section 4

board means the board established under section 12.

commission means the Queensland Productivity Commission established under section 5.

commissioner means a person appointed as a commissioner under section 15(1).

confidential information—

- (a) means information that—
 - (i) could identify a person; or
 - (ii) is commercially sensitive; or
 - (iii) is otherwise of a confidential nature; but
- (b) does not include—
 - (i) information that is publicly available; or
 - (ii) statistical, commercial or other information that could not reasonably be expected to result in the identification of the person to whom it relates.

contractor, of the commission, means a person, other than a commissioner or member of the commission's staff, who provides services for the commission—

- (a) under a contract between the person and the commission; or
- (b) under an arrangement between the commission and another person.

conviction means a finding of guilt or acceptance of a plea of guilty by a court, regardless of whether a conviction is recorded.

criminal history, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

legislation means a law of the State.

notice means written notice.

productivity commissioner means the person appointed as the productivity commissioner under section 18(1).

regulatory matter means a policy, administrative process or proposal related to the making, amendment, implementation or review of legislation.

research includes analysis.