



Iconic Queensland Places Act 2008

Iconic Queensland Places Regulation 2008

Reprinted as in force on 20 June 2008

Reprint No. 1

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Information about this reprint

This regulation is reprinted as at 20 June 2008.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have been made to reorder definitions consistent with current drafting practice (s 30).

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.

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.

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Queensland

Iconic Queensland Places Regulation 2008

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Iconic Queensland Places Regulation 2008

[reprinted as in force on 20 June 2008]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Iconic Queensland Places Regulation 2008*.

2 Definitions

The dictionary in schedule 3 defines particular words used in this Act.

Part 2 Conflicts of interest

3 Recording of conflict of interest

- (1) This section applies if a member has a conflict of interest, or could reasonably be taken to have a conflict of interest, in an issue being considered or to be considered at a meeting of the member's panel.
- (2) For subsection (1), a member has a conflict of interest in an issue if there is a conflict between the member's private interest and the honest performance of the member's role as a member of a panel exercising its functions under part 4 of the Act.
- (3) The member must declare the conflict of interest to the meeting.

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Maximum penalty—20 penalty units.

- (4) The panel must ensure the declaration is recorded in the minutes for the meeting.
- (5) The record must include—
 - (a) the nature of the conflict of interest as described by the member; and
 - (b) how the member dealt with the conflict of interest; and
 - (c) if the member voted on the issue—how the member voted.
- (6) In this section—

conflict of interest, for a member in an issue, does not include a conflict of interest arising out of a material personal interest the member has in the issue under section 36 of the Act.

private interest includes both pecuniary and non-pecuniary interests.

Part 3 Register of interests

4 Meaning of *related* to a member for pt 3

For this part, a person is ***related*** to a member if—

- (a) the person is the member's spouse; or
- (b) the person is totally or substantially dependent on the member and—
 - (i) the person is the member's child; or
 - (ii) the person's affairs are so closely connected with the affairs of the member that a benefit derived by the person, or a substantial part of it, could pass to the member.

5 Registers of interests

- (1) The chief executive must keep—
 - (a) a register of interests of each member; and
 - (b) a register of interests of each person who is a related person in relation to the member.
- (2) A register—
 - (a) must relate to only 1 person; and
 - (b) must contain the financial and non-financial particulars prescribed under this part.
- (3) Subsection (4) applies if a member knows—
 - (a) of an interest that the chief executive must record in a register of interests kept under subsection (1) in relation to the member or a related person; or
 - (b) that particulars of an interest recorded in a register kept under subsection (1) in relation to the member or a related person are no longer correct.
- (4) The member must tell the chief executive of the interest, or the correct particulars, as provided for under subsections (5) and (6).

Maximum penalty—20 penalty units.

- (5) The member must tell the chief executive of the interest, or the correct particulars of the interest, within 30 days after the member knows of the interest or correct particulars.
- (6) The member may tell the chief executive by giving the chief executive a statement of interests, or a notice of correct particulars, in the way the chief executive directs.

6 Financial and non-financial particulars for registers

- (1) For this part, the financial and non-financial particulars are stated in schedule 1.
- (2) A register of interests of a member must contain particulars about interests held by the member—

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- (a) alone; or
 - (b) jointly or in common with a related person.
- (3) A register of interests of a related person must contain particulars about interests held only by the related person—
 - (a) alone; or
 - (b) jointly or in common with the member.
- (4) However, if a member's interests that are held jointly or in common with a related person are included in the register of the member's interests, the interests need not be included in the register of interests of the related person.
- (5) For applying schedule 1, a member or related person receives a *sponsored hospitality benefit* if—
 - (a) the member or related person (other than the member in an official capacity as a member)—
 - (i) undertakes travel; or
 - (ii) uses accommodation; and
 - (b) a contribution, whether financial or non-financial, for the cost of the travel or accommodation is made by someone other than the member or related person.

7 Access to registers

- (1) A register of member's interests is open to inspection.
- (2) A register of interests of a person related to a member is not open to inspection other than by the following—
 - (a) any other member of the member's panel;
 - (b) the chief executive;
 - (c) a person permitted by law to have access to information in the register, or the person's agent.
- (3) A person seeking access to a register must apply in writing to the chief executive.
- (4) The chief executive must record—

- (a) the name and home or business address of each person given access to the register; and
 - (b) the day the access is given.
- (5) The chief executive must advise a member of any access given to the member's register and any register of a related person of the member.
- (6) Subsections (3) to (5) do not apply to the accessing of information included in a register of member's interests if the information relates to any of the following—
 - (a) gifts received;
 - (b) hospitality benefits received;
 - (c) memberships of organisations.
- (7) The chief executive must ensure the information included in the register of member's interests about a matter mentioned in subsection (6) is made available—
 - (a) to any member of the public who asks to see it; and
 - (b) by being displayed, as soon as practicable after it is received, on the department's website.
- (8) A person must not knowingly disclose information obtained from a register under this part if it is not a true copy, or a fair summary, of the particulars in the register.

Maximum penalty—20 penalty units.

- (9) A person must not knowingly disclose information obtained from a register mentioned in subsection (2) other than to a person mentioned in subsection (2)(b) or (c).

Maximum penalty for subsection (9)—20 penalty units.

8 Queries on contents of register

- (1) A person who suspects on reasonable grounds that a register does not contain particulars that should be in the register may inform the chief executive.

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- (2) The chief executive must immediately inform the member concerned.
- (3) The member must, within 30 days of being informed—
 - (a) establish whether the register should be amended to make it a true record of fact; and
 - (b) if the register should be amended—give the chief executive the appropriate particulars in writing.
- (4) If the member establishes that the register does not need to be amended, the member must—
 - (a) complete a statutory declaration to the effect that the particulars in the register are a true record of fact; and
 - (b) give the statutory declaration to the chief executive.

Part 4 Code of conduct

9 References in pt 4 to panel members code of conduct breaches

In this part, a reference to a breach of a panel members code of conduct includes, in the context of a complaint about an alleged breach of the code of conduct, a reference to the alleged breach.

10 Compliance with code of conduct

A member must comply with the obligations stated in the panel members code of conduct.

Notes—

- 1 This part provides for enforcing the code of conduct, including by imposing a penalty under section 19.
- 2 Also, if an act or omission that is a breach of the code of conduct is an offence under an Act, proceedings may be taken for the offence.

11 Requirement to adopt code of conduct for members

- (1) The Minister must adopt a code of conduct for members that complies with the requirements of this part as soon as practicable after the commencement of this section.
- (2) The adoption by the Minister of a panel members code of conduct must be notified in a newspaper circulating generally in the State.
- (3) The notification must include information about how a copy of the code of conduct may be inspected.

12 Panel members code of conduct to be available for inspection

The chief executive must—

- (a) ensure the panel members code of conduct is open to inspection; and
- (b) as soon as practicable after it is adopted, ensure the panel members code of conduct is displayed on the department's website.

13 Application and duration of code of conduct

- (1) The panel members code of conduct applies to all members in performing the duties of their office as a member.
- (2) The panel members code of conduct has effect until another panel members code of conduct is adopted and notified by the Minister.
- (3) Subsection (2) does not stop the Minister from adopting and notifying amendments to the panel members code of conduct.

14 Statutory and additional obligations of members

- (1) A panel members code of conduct must—
 - (a) identify each statutory obligation for members for which the Act provides a penalty for contravening; and

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- (b) identify each statutory obligation for members for which the Act does not provide a penalty for contravening.
- (2) The code may state additional ethical and behavioural obligations with which members must comply.
- (3) An obligation mentioned in subsection (2) must—
 - (a) not be inconsistent with a statutory obligation identified in the code; and
 - (b) be based on 1 or more of the ethics principles for members stated in schedule 2.
- (4) The ethics principles must be stated in the panel members code of conduct.

15 Information about making a complaint

The panel members code of conduct must include information about how a person can find out how to make a complaint about an alleged breach by a member of the code of conduct.

16 Making a complaint about a breach of the panel members code of conduct

- (1) A person may make a complaint about a breach of the panel members code of conduct by a member by giving written notice of the complaint to the chief executive.
- (2) Subsection (1) does not limit a person's ability to make a complaint under the *Crime and Misconduct Act 2001* or the *Ombudsman Act 2001* about a breach of the code of conduct that is a statutory breach.

17 When chief executive must deal with complaint

- (1) The chief executive must deal with a complaint about a statutory breach by a member of the panel members code of conduct if—
 - (a) the complaint is made to the chief executive, and the chief executive is not required, under the *Crime and*

Misconduct Act 2001, to notify the CMC about the complaint; or

Note—

See the *Crime and Misconduct Act 2001*, section 38 (Duty to notify commission of official misconduct) for the duty of a public official to notify the CMC of a complaint, information or matter that involves, or may involve, official misconduct under that Act.

- (b) a complaint about the breach has been made to the CMC or the ombudsman (the *external review body*) and the external review body has notified the chief executive that the external review body—
 - (i) has decided not to take action, or has decided to discontinue action, in relation to the complaint; and
 - (ii) recommends the complaint be referred to the chief executive to be dealt with by the chief executive.
- (2) The chief executive must deal with a complaint made to the chief executive about a breach, other than a statutory breach, by a member of the panel members code of conduct.

18 How chief executive deals with complaint

- (1) If the chief executive must deal with a complaint, the chief executive must, as soon as practicable, give the member written notice—
 - (a) that a complaint about a breach by the member has been made or referred to the chief executive; and
 - (b) stating the substance of the complaint.
- (2) Unless the chief executive considers the complaint to concern a frivolous matter or to have been made vexatiously, the chief executive deals with the complaint by deciding—
 - (a) whether the member breached the panel members code of conduct; and
 - (b) whether to impose a penalty on the member.

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- (3) In deciding whether the member breached the panel members code of conduct and whether to impose a penalty on the member, the chief executive must comply with the principles of natural justice.

19 Penalties chief executive may impose

- (1) This section applies if the chief executive decides under this part that a member has breached the panel members code of conduct.
- (2) If the chief executive has decided to impose a penalty, the chief executive may impose 1 or more of the following penalties on the member—
 - (a) a written reprimand;
 - (b) suspension for a stated period from future meetings of the member's panel;
 - (c) reference of the chief executive's findings about the breach to the Minister, with a recommendation that the Minister consider the member's removal from the member's panel.

Note—

For the Minister's power to remove a member, see section 31 of the Act and the *Acts Interpretation Act 1954*, section 25.

- (3) The maximum period of a suspension under subsection (2)(b) must not include more than 2 consecutive meetings of the member's panel.

20 Indemnity for chief executive

- (1) The chief executive does not incur civil liability for an act or omission done honestly and without negligence under this part.
- (2) A liability that would, apart from this section, attach to the chief executive attaches instead to the State.

21 Frivolous or vexatious complaint

- (1) The chief executive may give notice to a person that a complaint made by the person about a breach of the panel members code of conduct by a member will not be dealt with because it appears—
 - (a) to concern frivolous matter; or
 - (b) to have been made vexatiously.
- (2) The notice must advise the person that if the person again makes the same or substantially the same complaint to the chief executive the person commits an offence under subsection (3).
- (3) A person who, after receiving the notice mentioned in subsection (2), again makes the same or substantially the same complaint to the chief executive commits an offence.
Maximum penalty—20 penalty units.
- (4) It is a defence to prove that the complaint did not concern frivolous matter and was not made vexatiously.
- (5) This section does not apply in relation to a complaint about a statutory breach originally made to the CMC or the ombudsman and referred to the chief executive under this part.

Part 5 Miscellaneous

22 Recommendation to Minister about removal from panel

- (1) The chief executive may refer a member to the Minister with a recommendation that the Minister consider the member's removal from the member's panel if the chief executive reasonably believes that the member—
 - (a) has been convicted of an indictable offence; or
 - (b) is an insolvent under administration under the Corporations Act, section 9; or

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- (c) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (d) has become incapable of being a member because of a physical or mental incapacity.
- (2) Also, the chief executive may refer a member to the Minister with a recommendation as mentioned in subsection (1) if the chief executive—
 - (a) reasonably believes that the member is guilty of misconduct that is of a type that could warrant dismissal from the public service if the member were an officer of the public service; and
 - (b) is satisfied that the misconduct has not otherwise been sufficiently dealt with.

Schedule 1 Members' and related persons' particulars for registers

section 6(1)

1 Controlling interest in corporation

The particulars required for each corporation in which a member or related person is a shareholder or has a controlling interest in shares are—

- (a) the corporation's name; and
- (b) if the shareholding or interest is a controlling interest in the corporation—details of the shareholdings of the corporation in any other corporation; and
- (c) if the shareholding or interest is held in a proprietary company that is the holding company of another corporation—
 - (i) details of the holding company's investments; and
 - (ii) the name of each corporation that is a subsidiary of the holding company.

2 Officer of corporation

The particulars required for each corporation of which a member or related person is an officer are—

- (a) the corporation's name; and
- (b) the nature of the office held; and
- (c) the nature of the corporation's activities.

3 Beneficial interest in trust or nominee corporation

The particulars required for each family or business trust or nominee corporation in which a member or related person holds a beneficial interest are—

Schedule 1

- (a) the name of, or a description sufficient to identify, the trust, or the corporation's name; and
- (b) the nature of the activities of the trust or corporation; and
- (c) the nature of the interest.

4 Trustee for trust

The particulars required for each family or business trust of which a member or related person is a trustee are—

- (a) the name of, or a description sufficient to identify, the trust; and
- (b) the nature of the trust's activities; and
- (c) the name of each beneficiary of the trust, or, if the trust is a discretionary trust, each class of persons who may benefit under the trust.

5 Partnership and joint venture

The particulars required for each partnership or joint venture in which a member or related person has an interest are—

- (a) the name of, or a description sufficient to identify, the partnership or joint venture; and
- (b) the nature of the partnership's or joint venture's activities; and
- (c) the nature of the interest.

6 Land

The particulars required for all land in which a member or related person has an interest are—

- (a) the suburb or locality of the land; and
- (b) the approximate size of the land; and

- (c) the purpose for which the land is, and is intended to be, used; and
- (d) the nature of the interest.

7 Liability

- (1) The particulars required for each liability, other than department store and credit card accounts, of a member, related person, trust or private corporation are—
 - (a) the nature of the liability; and
 - (b) the name of the creditor.
- (2) However, subsection (1) does not apply to a debt that—
 - (a) is for an amount of \$10000 or less; or
 - (b) arises from the supply of goods or services supplied in the ordinary course of—
 - (i) the member's or related person's business; or
 - (ii) the business of the trust or private company.
- (3) In this section—

private company means a proprietary company in which a member or related person holds securities.

trust means a trust of which a member or related person is a beneficiary.

8 Debenture and similar investment

The particulars required for each debenture or similar investment held by a member or related person are—

- (a) the nature of the investment; and
- (b) the name of the corporation in which the investment is made; and
- (c) the nature of the business of the corporation.

9 Savings and investment account

The particulars required for each savings or investment account of a member or related person held with a financial institution are—

- (a) the nature of the account; and
- (b) the name of the institution.

10 Gifts totalling more than \$500

- (1) Subsection (3) applies to a gift given by a person (a *donor*) to a member or related person if—

- (a) for a gift given to a member—
 - (i) the amount or value of the gift is more than \$500; or
 - (ii) the total amount or value of all gifts given by the donor to the member, during the member's membership, is more than \$500; or
- (b) for a gift given to a related person—
 - (i) the amount or value of the gift is more than \$500; or
 - (ii) the total amount or value of all gifts given by the donor to the related person, during the member's membership, is more than \$500.

- (2) However, subsection (3) does not apply to a gift if—

- (a) for a gift given to a member—
 - (i) the donor is the member's friend or is related by blood or marriage to the member (whether or not the donor is related to the member within the meaning given by section 4 of the regulation); and
 - (iii) the member is satisfied there can not be the perception of a conflict of interest, financial or otherwise, relating to the gift that could conflict with the member's duty as a member; or

- (b) for a gift to a related person—the donor is the related person's friend or is related by blood or marriage to the related person.
- (3) The particulars required for the gift are—
 - (a) the donor's name; and
 - (b) the gift's amount or value.

11 Sponsored hospitality benefit

The particulars required for each sponsored hospitality benefit received by a member or related person are—

- (a) the source of the contribution for the travel or accommodation; and
- (b) the purpose of the benefit.

12 Membership of political party, body, association and trade or professional organisation

The particulars required for each political party, body or association or trade or professional organisation of which a member or related person is a member are its name and address.

13 Other asset with value more than \$5000

- (1) The particulars required for each prescribed asset of a member or related person are sufficient details of the asset to identify it.
- (2) In this section—

prescribed asset, of a member or related person, means each other asset of the member or related person with a value of more than \$5000, other than the following—

 - (a) household and personal effects;
 - (b) a motor vehicle used mainly for personal use;
 - (c) superannuation entitlements.

14 Other source of income more than \$500 a year

The particulars required for each other source of income more than \$500 a year received by the following are sufficient details of the income to identify it—

- (a) a member or related person;
- (b) a proprietary company, or trust, in which a member or related person holds securities.

15 Other financial or non-financial interest

- (1) The particulars required for each other interest of a member or related person are sufficient details of the interest to identify it.

- (2) In this section—

interest, of the member or related person, means a financial or non-financial interest—

- (a) of which the member is aware; and
- (b) that raises, appears to raise, or could raise, a conflict between the member's duty as a member and the holder of the interest.

Schedule 2 Ethics principles for members

section 14(3)(b)

1 Integrity of panel

- (1) It is vital that the public has confidence in a panel's ability to perform its functions under the Act.
- (2) Members must conduct themselves in a way that promotes and maintains the public's trust and confidence in panels and the appropriate performance by panels of their functions.

2 Primacy of the public interest

- (1) Members are appointed to act in the public interest and to make decisions solely in terms of the public interest.
- (2) Members must take steps to avoid, resolve or disclose conflicts of interest.

3 Independence of action by members

Members must not place themselves under any financial obligation that may influence them in discharging their duties and responsibilities as members.

4 Appropriate use of information by members

Members who, in the course of carrying out their duties, receive information that is not available to the general public must not misuse this information, particularly for personal gain.

5 Transparency and scrutiny

- (1) It is vital that the public has confidence in the integrity of a panel's decision-making processes.

Schedule 2

- (2) To ensure transparency and public scrutiny of, and public confidence in, those processes, members must disclose their financial interests.

6 Appropriate use of entitlements

Each member must comply with the requirements that apply to the member about using entitlements.

Schedule 3 Dictionary

section 2

CMC means the Crime and Misconduct Commission under the *Crime and Misconduct Act 2001*.

member means member of a panel.

Minister means the Minister who administers the Integrated Planning Act, chapter 3.

panel members code of conduct means the code of conduct for members adopted and notified under part 4.

related person, in relation to a member, means a person who, under section 4, is related to the member.

sponsored hospitality benefit see section 6(5).

statutory breach, of a panel members code of conduct, means a breach of a statutory obligation identified in the panel members code of conduct.

statutory obligation, for a member—

- (a) means an obligation under the Act with which the member is required to comply only because of holding, or having held, office as a member; but
- (b) does not include the obligation under part 4 to comply with the panel members code of conduct.

subsidiary see the Corporations Act, section 9.

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 Iconic Queensland Places Regulation 2008 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 | 20 June 2008 | |

5 List of legislation

Iconic Queensland Places Regulation 2008 SL No. 164

made by the Governor in Council on 19 June 2008

notfd gaz 20 June 2008 pp 1074–5

commenced on date of notification

exp 1 September 2018 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

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