

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Planning)

Districts Bill 2002

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Districts Bill 2002

A Bill for

An Act to provide for the division and description of land, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Districts Act 2002*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 **3 Dictionary**

7 The dictionary at the end of this Act is part of this Act.

8 *Note 1* The dictionary at the end of this Act defines certain words and
9 expressions used in this Act, and includes references (*signpost*
10 *definitions*) to other words and expressions defined elsewhere in this
11 Act or in other legislation.

12 For example, the signpost definition '*digital cadastral database*—see
13 section 17.' means that the expression 'digital cadastral database' is
14 defined in that section.

15 *Note 2* A definition in the dictionary (including a signpost definition) applies to
16 the entire Act unless the definition, or another provision of the Act,
17 provides otherwise or the contrary intention otherwise appears (see
18 *Legislation Act 2001*, s 155 and s 156 (1)).

19 **4 Notes**

20 A note included in this Act is explanatory and is not part of this Act.

21 *Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of
22 notes.

1 **Part 2** **Dividing land**

2 **5** **Districts**

- 3 (1) The Minister must, by deposited plan, divide the land in the ACT
4 into districts.
- 5 (2) The boundaries of each district are the boundaries shown on the
6 deposited plan by which the district is created.
- 7 (3) The Minister must, in writing, determine a distinguishing name for
8 each district.
- 9 (4) A determination is a notifiable instrument.

10 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

11 **6** **Divisions, sections and blocks**

- 12 (1) The Minister may, by deposited plan, do any of the following:
- 13 (a) divide a district, or part of a district, into divisions or blocks;
- 14 (b) divide a division, or part of a division, into sections;
- 15 (c) divide a section into blocks.
- 16 (2) The boundaries of each division, section or block are the boundaries
17 shown on the deposited plan by which the division, section or block
18 is created.
- 19 (3) The Minister must determine a distinguishing name for each
20 division under the *Public Place Names Act 1989*, section 3 (1) (a).

21 *Note* A determination under the *Public Place Names Act 1989* is a
22 disallowable instrument (see s 3 (2)).

- 23 (4) The Minister must give each section and block a distinguishing
24 number.

1 **7 Deposited plans**

2 (1) A *deposited plan* is a plan prepared by a registered surveyor and
3 registered by the registrar-general under this section.

4 (2) The plan must—

5 (a) set out the boundaries of, and the distinguishing name or
6 number for, each district, division, section or block to be
7 created by the plan; and

8 (b) be lodged with the registrar-general in registrable form.

9 *Note* A fee may be determined under the *Land Titles Act 1925*, s 139 for
10 lodging plans with the registrar-general.

11 (3) The registrar-general may register the plan only if the commissioner
12 for surveys has certified that—

13 (a) the land divided by the plan is correctly described; and

14 (b) the plan complies with this Act.

15 (4) For subsection (3) (a), the commissioner for surveys may certify that
16 land divided by the plan is correctly described only if the boundaries
17 of the land have been established by a registered surveyor—

18 (a) by survey; or

19 (b) for land that the plan divides into districts or divisions or that
20 the commissioner is satisfied is to be the subject of a holding
21 lease—by reference to information in the digital cadastral
22 database.

23 (5) If this section is complied with, the registrar-general must register
24 the plan by entering particulars of the plan, including a number for
25 the plan, in the register kept by the registrar-general under the *Land
26 Titles Act 1925*, section 43.

27 (6) If the plan amends another deposited plan, the registrar-general must
28 also enter a reference to the amendment on the other deposited plan.

1 (7) In this section:

2 *holding lease* means a lease issued to allow for urban development
3 and subdivision.

4 *registrable form*—a plan is in *registrable form* if—

5 (a) it does not require a material correction, alteration or addition;
6 and

7 (b) it is in a printed or electronic form that the registrar-general is
8 satisfied is suitable for registration; and

9 (c) it is otherwise in accordance with this Act.

10 **8 Evidence**

11 A deposited plan is evidence of the measurements and boundaries of
12 the areas of land shown on it unless the contrary is proved.

13 **9 Description of parcel of land for dealings**

14 The description of a parcel of land by reference to the name or
15 number of the district, division, section or block by which the parcel
16 of land is described in the deposited plan on which the parcel of land
17 is shown is sufficient description of the parcel of land for dealings
18 with the parcel of land.

19 **10 Change of district or division names**

20 (1) This section applies if—

21 (a) a name (the *earlier name*) has been determined for a district or
22 division as mentioned in section 5 (Districts) or section 6
23 (Divisions, sections and blocks); and

24 (b) another name (the *later name*) is later determined for the
25 district or division.

26 (2) A reference in a deposited plan or any other instrument to the earlier
27 name is, from the time the later determination has effect, taken to be
28 a reference to the later name.

1 **11 Correction etc of instruments**

2 (1) If an instrument relating to a parcel of land shown in a deposited
3 plan is presented to the registrar-general, the registrar-general must
4 make the entries, cancellations and corrections (if any) to the
5 instrument the registrar-general considers necessary so that the
6 parcel of land is described by reference to the name or number of
7 the district, division, section or block by which it is described in the
8 deposited plan.

9 (2) In this section:

10 *instrument* means the original of an instrument in the register kept
11 under the *Land Titles Act 1925*, section 43.

12 **12 Inspection of plans**

13 (1) The registrar-general must make plans lodged under this Act
14 available for inspection at the registrar-general's office.

15 (2) The registrar-general may also make plans available for inspection
16 in other ways (for example, by emailing copies to people on
17 request).

18 (3) Plans may be made available for inspection in printed or electronic
19 form.

20 *Note* A fee may be determined under the *Land Titles Act 1925*, s 139 for
21 inspection of plans.

1 **Part 3** **Street addresses**

2 **13 Allocation of street addresses**

- 3 (1) The Minister may allocate a street address to a block or unit.
- 4 (2) The allocation must be in accordance with the guidelines (if any)
5 made by the Minister under section 14.
- 6 (3) If the Minister allocates a street address to a block or unit, the
7 Minister must—
- 8 (a) record details of the street address in—
- 9 (i) a register kept for this section by the Minister; and
- 10 (ii) the digital cadastral database; and
- 11 (b) make details of the street address publicly available (for
12 example, through ACT government shopfronts and public
13 libraries).

14 **14 Guidelines about allocation of street addresses**

- 15 (1) The Minister may make written guidelines about the allocation of
16 street addresses to blocks and units.
- 17 (2) The guidelines may make provision about a matter by applying,
18 adopting or incorporating an Australian Standard, or a provision of
19 an Australian Standard, as in force from time to time.

20 *Note 1* The text of an applied, adopted or incorporated law or instrument,
21 whether applied as in force from time to time or as at a particular time,
22 is taken to be a notifiable instrument if the operation of the *Legislation*
23 *Act 2001*, s 47 (5) or (6) is not disapplied (see s 47 (7)).

24 *Note 2* A notifiable instrument must be notified under the *Legislation Act 2001*.

- 25 (3) The guidelines are a notifiable instrument.

26 *Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- 1 **15 Requirement to display allocated address etc**
- 2 (1) This section applies if—
- 3 (a) details of the allocated address for a block or unit have been
- 4 recorded and made available under section 13; and
- 5 (b) either—
- 6 (i) the allocated address is not displayed at the frontage of
- 7 the block or unit; or
- 8 (ii) a street address other than the allocated address is
- 9 displayed at the frontage of the block or unit; and
- 10 (c) the owner of the block or unit has been given written notice of
- 11 the allocated address.
- 12 (2) The Minister may, in writing, require the owner of the block or
- 13 unit—
- 14 (a) to display the allocated address at the frontage of the block or
- 15 unit; or
- 16 (b) if a street address other than the allocated address is displayed
- 17 at the frontage of the block or unit—
- 18 (i) to remove the street address; and
- 19 (ii) to display the allocated address at the frontage of the
- 20 block or unit.
- 21 *Note* For how documents may be served, see *Legislation Act 2001*, pt 19.5.
- 22 (3) The requirement must state the time within which the action must be
- 23 taken.
- 24 (4) The time stated must not be less than 21 days after the day the
- 25 requirement is made.

- 1 **16 Action if requirement not complied with**
- 2 (1) This section applies if the owner of a block or unit does not comply
- 3 with a requirement under section 15 in relation to the block or unit.
- 4 (2) The Minister may arrange for the taking of reasonable action to
- 5 ensure—
- 6 (a) the allocated address is displayed at the frontage of the block
- 7 or unit; or
- 8 (b) the street address other than the allocated address is removed
- 9 from, and the allocated address displayed at, the frontage of the
- 10 block or unit.
- 11 (3) The reasonable cost of work carried out under this section is a debt
- 12 owing to the Territory by the owner of the block or unit.

1 **Part 4 Digital cadastral database**

2 **17 Digital cadastral database**

- 3 (1) The commissioner for surveys must establish and maintain an
4 electronic database of information about land in the ACT (the
5 *digital cadastral database*).
- 6 (2) The digital cadastral database must include the following
7 information:
- 8 (a) the boundaries of, and the distinguishing name or number for,
9 each district, division, section and block created under
10 section 5 (Districts) or section 6 (Divisions, sections and
11 blocks of districts);
- 12 (b) each allocated address.
- 13 (3) The digital cadastral database may include any other information the
14 commissioner for surveys considers appropriate.

1 **Part 5** **Miscellaneous**

2 **18 Delegation by Minister**

- 3 (1) The Minister must not delegate the Minister's functions under this
4 Act to someone other than the commissioner for surveys.

5 *Note* For the making of delegations and the exercise of delegated functions,
6 see *Legislation Act 2001*, pt 19.4.

- 7 (2) Subsection (1) has effect despite the *Legislation Act 2001*,
8 section 254A (Delegation by Minister).

9 **19 Regulation-making power**

10 The Executive may make regulations for this Act.

11 *Note* Regulations must be notified, and presented to the Legislative
12 Assembly, under the *Legislation Act 2001*.

1 **Part 6** **Transitional and**
2 **consequential provisions**

3 **20 Districts and deposited plans under repealed Act**

4 (1) The districts set out in the *Districts Act 1966* (repealed), schedule
5 (District boundaries) are taken to be districts created under
6 section 5.

7 (2) A deposited plan registered under the *Districts Act 1966* (repealed)
8 is taken to be a deposited plan registered under section 7.

9 **21 Repeal of Districts Act 1966**

10 The *Districts Act 1966* No 5 is repealed.

11 **22 Amended Acts**

12 Schedule 1 amends the Acts mentioned in it.

13 **23 Expiry of pt 6**

14 This part expires 1 year after it commences.

Schedule 1 Amendments of other Acts

(see s 22)

Part 1.1 Building Act 1972

[1.1] Sections 33A (3) (b) (ii) and 42S (b)

omit

Districts Act 1966

substitute

Districts Act 2002

Part 1.2 Common Boundaries Act 1981

[1.2] Section 2A (b)

omit

Districts Act 1966

substitute

Districts Act 2002

Part 1.3 Electoral Act 1992

[1.3] Section 36 (c) (v)

omit

Districts Act 1966

substitute

Districts Act 2002

Part 1.4 Land (Planning and Environment) Act 1991

[1.4] Section 216A (1) (b)

omit

Districts Act 1966, section 6

substitute

Districts Act 2002

Part 1.5 Land Titles Act 1925

[1.5] Section 139 (1)

after

Community Title Act 2001

insert

, the Districts Act 2002

Part 1.6 Rates and Land Tax Act 1926

[1.6] Section 23 (2) (b)

omit

Districts Act 1966

substitute

Districts Act 2002

Part 1.7 **Surveyors Act 2001**

[1.7] Section 6, note

omit

Districts Act 1966, s 7

substitute

Districts Act 2002, s 7 and s 17

[1.8] Section 35 (a)

omit

Districts Act 1966

substitute

Districts Act 2002

[1.9] Section 44 (1), note

omit

Districts Act 1966, s 7

substitute

Districts Act 2002, s 7 and s 17

1 Dictionary

2 (see s 3)

3 *Note 1* The *Legislation Act 2001* contains definitions and other provisions
4 relevant to this Act.

5 *Note 2* In particular, the following terms that are defined in the *Legislation Act*
6 *2001*, dict, pt 1, are particularly relevant to this Act:

- 7 • commissioner for surveys
- 8 • function
- 9 • registered surveyor
- 10 • registrar-general.

11 *allocated address*, for a block or unit, means the street address
12 allocated to the block or unit under section 13.

13 *block* means a block under section 6.

14 *deposited plan*—see section 7.

15 *digital cadastral database*—see section 17.

16 *district* means a district under section 5.

17 *division*, in relation to land, means a division under section 6.

18 *section*, in relation to land, means a section under section 6.

19 *unit*—see the *Unit Titles Act 2001*, section 9.

Endnote

Republications of amended laws

For the latest republications of amended laws, see www.legislation.act.gov.au.