

Public Place Names (Kowen and Majura Districts) Amendment Determination 2016

Disallowable instrument DI2016-80

made under the

Public Place Names Act 1989, s 3 (Minister to determine names)

EXPLANATORY STATEMENT

Overview

Background

The *Public Place Names Act 1989* (the Act) sets out the process and criteria for the naming of divisions and public places. Section 2 of the Act defines a “public place” as including “an avenue, road, street, geographical feature or place that the public is entitled to use, and any unleased land”.

Section 3 of the Act gives the Minister the power to determine the name of a division or public place. The determination of the Minister is a disallowable instrument and as such must be notified in the ACT Legislation Register.

The factors that the Minister must have regard to in determining a name are set out in sections 3 and 4 of the Act. Section 3(3)(a) of the Act requires the Minister to consider the *Public Place Names (Naming of Public Places) Guidelines 2014 (No 1)* (guidelines) when naming a public place. The guidelines are made under section 4A of the Act and are notified at <http://www.legislation.act.gov.au/ni/2014-643/default.asp>.

Section 46 of the *Legislation Act 2001* (Legislation Act) specifies that power given under an Act to make an instrument includes the power to amend or repeal the instrument.

The Amendment

This instrument amends *Commonwealth of Australia Gazette No P9, 4 June 1982* by renaming the eastern portion of Pialligo Avenue, between Sutton Road and the ACT/NSW border, as Yass Road. The purpose of this determination is to correct an anomaly which has caused confusion to road users in this location. The determination of the public place name Yass Road will accord with existing road signposting. Data held in the ACT Cadastre will be updated to reflect the changes.

The Determination

The *Public Place Names (Kowen and Majura Districts) Amendment Determination 2016* determines the name of Yass Road for the public place indicated in the map in the schedule to the determination.

The name is consistent with the nomenclature theme for public places outside the urban area which is to commemorate names which are relevant to the location. Historically this was the alignment of the main road from Queanbeyan towards Yass. Yass Road, ACT will meet Yass Road, Queanbeyan at the border.

Consultation

The National Capital Authority and Queanbeyan City Council were consulted about the proposal to rename the eastern portion of Pialligo Avenue as Yass Road. Both organisations have confirmed they have no objection to the renaming.

Regulatory Impact Statement (RIS)

The *Legislation Act 2001* (Legislation Act) requires a RIS for regulations and disallowable instruments subject to specified exceptions. In this case, a RIS is not required because the determination does not impose any appreciable costs on the community or part of the community (s 34(1) of the Legislation Act). Further, a RIS is also not required because while the determination of place names is culturally and socially significant it does not adversely affect rights or impose liabilities on a person (s 36(1)(b) of the Legislation Act).

Human Rights

Section 12 of the *Human Rights Act 2004* creates a right to privacy and reputation. This determination does not have the potential to infringe this right because it does not name any places after people.

Delegation

This determination is made by a delegate of the Minister. The Minister has delegated the power under section 3 of the Act to name a division or public place to the Director-General of the Environment and Planning Directorate and other senior officers within the Directorate, refer to the *Legislation (Environment and Planning Directorate) Delegation 2014 (No 1)*, notifiable instrument NI2016-146.

Status of this Explanatory Statement

This explanatory statement relates to the *Public Place Names (Kowen and Majura Districts) Amendment Determination 2016* as made by the delegate of the Minister and presented to the ACT Legislative Assembly. It has been prepared in order to assist the reader of the disallowable instrument. It does not form part of the disallowable instrument and has not been endorsed by the Assembly.

Clause Notes

Clause 1 – Name of Instrument

This clause names the instrument.

Clause 2 – Commencement

This clause provides for the commencement of the instrument.

Clause 3 – Amendment of Place Name

This clause amends the public place as specified in the schedule.

Clause 4 – Determination of Place Name

This clause names the public place as specified in the schedule.