

# Public Place Names (Throsby) Determination 2016 (No 2)

Disallowable instrument DI2016–211

made under the

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

## EXPLANATORY STATEMENT

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### 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>.

#### *The Determination*

The *Public Place Names (Throsby) Determination 2016 (No 2)* determines the names of seven roads for the public places indicated in the map in the schedule to the determination.

The names are consistent with the nomenclature theme for Throsby which is ‘Native Fauna’. The purpose of this determination is to commemorate the names of various species of Australian fauna which occur locally in the Australian Capital Territory as well as species occurring in other parts of Australia. The selected names include a word from the traditional languages of the Torres Strait Islands and species of fish, frogs and marsupials.

### Consultation

Consultation was undertaken to obtain permission to commemorate the word ‘Kaigas’ from the traditional language of Mabuiag Island in the Torres Strait.

### 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 2016 (No 2)*, notifiable instrument NI2016-289.

### Status of this Explanatory Statement

This explanatory statement relates to the *Public Place Names (Throsby) Determination 2016 (No 2)* 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 – Determination of Place Names***

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