

Public Place Names (Macquarie) Determination 2017

Disallowable instrument DI2017–3

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>.

The Determination

The *Public Place Names (Macquarie) Determination 2017* determines the name ‘Henshall Way’ for the public place indicated in the diagram in the schedule to the determination.

The name is consistent with the theme for Macquarie which is ‘Contemporaries of Governor Macquarie’. The purpose of this determination is to commemorate William Henshall, who was selected by Governor Macquarie to create the first distinctive Australian currency - the 1813 Holey Dollar and Dump.

The number of women and men after whom divisions or public places have been named in the last 10 years, and whether the names of women are well represented, has been considered as required by section 3(2) of the Act. This instrument commemorates one man.

Consultation

If a public place is proposed to be named after a particular person reasonable steps are taken to obtain prior permission from the person's relatives, close colleagues or a relevant professional organisation. This consultation and related steps is taken in accordance with the guidelines. In this instance a leading Australian numismatist was consulted about the proposal to commemorate William Henshall as the maker of the 1813 Holey Dollar and Dump.

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. Conceivably, the naming of a place has the potential to infringe the right to privacy and reputation of a person after whom a place is named. In this case the process through which places are named ensures that this right is not infringed and that only appropriate information is included in a determination. This process includes the consultation described above. Additionally, in relation to places named after people, only the names of deceased persons are determined.

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, Planning and Sustainable Development 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 (Macquarie) Determination 2017* 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 place as specified in the schedule.