

Public Place Names (Strathnairn) Determination 2018

Disallowable instrument DI2018–99

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.

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

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 (Strathnairn) Determination 2018* determines the names of 22 public places as indicated in the diagram in schedule 2 to the determination.

The public place names are consistent with the theme for Strathnairn which is primary industry and regional service. The purpose of this determination is to commemorate the names of people who have contributed to primary industries in Australia and/or provided significant service within regional communities in areas such as health, education, the arts or local government.

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. The origin of the public place names commemorate 12 women and 12 men. Two roads are named to commemorate more than one person.

This instrument revokes *Public Place Names (Belconnen District) Determination 2011* (DI2011-184). The current alignment of Studio Road will be incorporated into the road reservation of the proposed Pro Hart Avenue, the main arterial and bus route in the first stage of Strathnairn.

This instrument also amends the determination in Commonwealth of Australia Gazette No. P9 dated 4 June 1982 by amending the extent of the road name Stockdill Drive. Part Stockdill Drive will be renamed Pro Hart Avenue as specified in Schedule 1 to the determination and as indicated on the associated diagram. The name Stockdill Drive will continue to apply to the access road servicing the Lower Molonglo Water Quality Control Centre in Belconnen District.

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 has been undertaken in accordance with the guidelines.

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 persons occupying the positions of Director-General and Deputy Director-General of the Environment, Planning and Sustainable Development Directorate, refer to the *Legislation (Environment, Planning and Sustainable Development Directorate) Delegation 2018 (No 1)*, notifiable instrument NI2018-216.

Status of this Explanatory Statement

This explanatory statement relates to the *Public Place Names (Strathnairn) Determination 2018* 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 – Revocation

This clause revokes the name of one public place.

Clause 4 – Amendment of Place Name

This clause amends the name of one public place.

Clause 5 – Determination of Place Names

This clause names the public places as specified in Schedule 2.