

Australian Capital Territory

# Public Place Names (Taylor) Determination 2019 (No 1)

Disallowable instrument DI 2019–215

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 2, 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 (Taylor) Determination 2019 (No 1)* revokes the name of one road, amends the name of one road as determined by instrument DI2018-251 and determines the names of four roads for the public places indicated in the diagram in the schedule to the determination. The place name Seto Street in the Division of Taylor is revoked due to changes in the road configuration servicing Section 102 Taylor.

The names determined by this instrument are consistent with the theme for Taylor which is Architecture, Town Planning and Urban Design. The purpose of this determination is to commemorate the contribution made by notable individuals in these fields and to commemorate a non-personal aspect of Australian domestic architecture.

This determination is consistent with section 4 (2) (b) of the Act and the requirement of the Minister or delegate to have regard to the names of persons who have made notable contributions to the existence of Australia as a nation. It is also consistent with section 4 (2) (d) of the Act and the requirement of the Minister or delegate to have regard to the names of things characteristic of Australia or Australians.

#### Gender Representation

Section 3 (2) (b) of the Act requires that the Minister (or delegate) consider whether the names of women are well-represented when making a determination about the naming of a public place. This instrument commemorates two women and one man, and one non personal name (formerly a family business name).

#### Consultation

If a public place is proposed to be named after a particular person reasonable steps should be taken to obtain prior permission from the person's relatives, close colleagues or a relevant professional organisation, under clause 6 of the guidelines. This consultation and related steps are 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.

One of the roads is named using a non-personal name (formerly a family business name). The determination of this name does not have the potential to infringe section 12 of the *Human Rights Act 2004* because it does not name the road after a person.

#### 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 people 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)*, NI2018-216.

Status of this Explanatory Statement

This explanatory statement relates to the *Public Place Names (Taylor) Determination 2019 (No 1)* 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 of place name***

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.