

# Public Place Names (Beard) Determination 2021

## Disallowable instrument DI2021–43

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.

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 2021* (guidelines) when naming a public place. The guidelines are made under section 4A of the Act and are notified at <https://www.legislation.act.gov.au/ni/2021-72/>

This instrument REVOKES the determination of the public place name Copper Crescent, determined in *Public Place Names (Beard) Determination 2010 (No 1)* (DI2010-45).

The former Copper Crescent is now designed as a non-contiguous road following an amendment to the approved Estate Development Plan in Beard. This instrument determines the road shall be renamed in two parts, with one segment named as an extension of the existing Tantalum Street.

#### *The Determination*

The *Public Place Names (Beard) Determination 2021* determines the name,

Copper Close, for the public place indicated in the diagram in the schedule to the determination.

The name is consistent with the theme for Beard which is Australian geological resources. The purpose of this determination is to recognise copper as an important and widely used metal and the contribution of Australia as a major copper producer and exporter.

This determination is 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. This determination is also consistent with the guidelines.

#### 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 8 of the guidelines. Consultation was not undertaken in this instance as this determination does not name any places after people.

The Surveyor-General of the ACT has advised relevant property owners and agencies about the intention to make changes to addressing and road signage in Beard.

#### 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 section is not applicable as the determination does not name any places after people.

#### 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 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 (Beard) Determination 2021* as made by the delegate of the Minister and presented to the ACT Legislative Assembly (the 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 – Determination of Place Name***

This clause determines the name of one public place and extends the application of an existing place name.