

2021

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

PUBLIC PLACE NAMES AMENDMENT BILL 2021

EXPLANATORY STATEMENT

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Member for Murrumbidgee**

PUBLIC PLACE NAMES AMENDMENT BILL 2021

The *Public Place Names Amendment Bill 2021* (the Bill) **is not** a Significant Bill. Significant Bills are bills that have been assessed as likely to have significant engagement of human rights and require more detailed reasoning in relation to compatibility with the *Human Rights Act 2004*.

This explanatory statement relates to the *Public Place Names Amendment Bill 2021*.

It has been prepared to assist the reader of the Bill. This explanatory statement does not form part of the Bill and has not been endorsed by the Assembly. The statement is to provide assistance to the reader of the Bill and is to be read in conjunction with the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

OVERVIEW OF THE BILL

Purpose and background

The purpose of the *Public Place Names Amendment Bill 2021* (the Bill) is to update the *Public Place Names Act 1989* to align with contemporary community understandings and expectations.

Under the *Public Place Names Act 1989* the Minister may determine the name of a public place that is Territory land. Public places include an avenue, road, street, geographical feature or place that the public is entitled to use, and any unleased land.

In making such determination the Minister must have regard to certain matters, among which include – at section 4(2)(a):

the names of persons famous in Australian exploration, navigation, pioneering, colonisation, administration, politics, education, science or letters.

The amendment contained in this Bill omits ‘colonisation’ and replaces it with ‘reconciliation’.

The action of ‘colonisation’ is considered offensive to many people in the ACT community.

Replacing ‘colonisation’ with ‘reconciliation’ will broaden the scope of persons famous in Australian fields whom the Minister can have regard in determining a public place name.

The proposed legislative change will provide greater recognition for those Australians who are famous for various matters relating to all aspects of reconciliation. Further, the legislative change will reflect a broader range of fields of relevance in contemporary society and to our diverse community.

This is a very simple, but meaningful change.

CONSISTENCY WITH HUMAN RIGHTS

During the development of this Bill consideration was given to its compatibility with human rights as set out in the *Human Rights Act 2004* (the HR Act). The Bill engages positively with human rights in Cultural and other rights of Aboriginal and Torres Strait Islander peoples and other minorities (section 27 of the HR Act).

Section 27(1) of the HR Act makes provision that:

Anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right, with other members of the minority, to enjoy his or her culture, to declare and practise his or her religion, or to use his or her language.

The Bill has a positive impact on the rights of Aboriginal and Torres Strait Islander peoples, whereby there will be greater opportunity for recognition of people who are famous for activities associated with reconciliation.

By enabling the Minister to have regard to Australians famous for reconciliation in the naming of public places, there will be greater exposure and recognition of the plight of reconciliation. This will ultimately enable Aboriginal and Torres Strait Islander people in the ACT greater opportunity to enjoy their culture.

CONSULTATION ON THE DRAFT BILL

The Aboriginal and Torres Strait Islander Elected Body has been consulted in the preparation of this Bill and have provided their support.

CLAUSE NOTES

Clause 1 Name of Act

This clause states that the name of the Act is the *Public Place Names Amendment Act 2021*.

Clause 2 Commencement

This clause sets out that the Act commences on the day after its notification day.

Clause 3 Legislation amended

This clause sets out the legislation that is amended by this Act, being the *Public Place Names Act 1989*.

Clause 4 Regard given to certain names Section 4 (2) (a)

This clause omits the word ‘colonisation’ and substitutes it with ‘reconciliation’.

This gives effect to the purpose and objective of the Bill, as outlined above.