

Public Place Names (Dickson) Determination 2025 (No 1)

Disallowable instrument DI2025-82

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

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

The Determination

The *Public Place Names (Dickson) Determination 2025 (No 1)* (the **determination**) revokes the determinations of the delegate of the Minister of State for the Interior of 9 September 1964 of the public place name Dickson Place in the Division of Dickson, published in Commonwealth of Australia Gazette No. 77, dated 17 September 1964, and of the delegate of the Minister of State for the Capital Territory of 17 May 1982 of the nomenclature with reference to the origin of the public place name Dickson Place in the Division of Dickson, published in Commonwealth of Australia Gazette No. P9, dated 4 June 1982.

The origin and significance information in the 1964 and 1982 determinations relating to Dickson Place in the Division of Dickson, is revoked and re-made in this determination, to rename Dickson Place in two parts as Dickson Place and Poppyfield Street.

This determination provides for part Dickson Place to be renamed to indicate that the road between Badham Street and Cowper Street is an open-ended through road, and part Dickson Place is to be remade in the same name. The location of the public places is indicated in the diagram in the schedule to the determination.

The Division of Dickson has no specific theme. The public place, Dickson Place, recognises Sir James Robert Dickson KCMG, a significant leader in Australian history. The public place, Poppyfield Street, recognises the history of the location as being directly associated with agricultural production.

This determination is consistent with sections 4 (2) (a) of the Act and the requirement of the Minister (or delegate) to have regard to ‘the names of persons famous in Australian exploration, navigation, pioneering, reconciliation, administration, politics, education, science or letters’, 4 (2) (b), ‘the names of persons who have made notable contributions to the existence of Australia as a nation’ and 4 (2) (d) ‘the names of things characteristic of Australia or Australians’. Section 3 (3) of the Act provides that ‘If the Minister is making a determination about the naming of a public place, the Minister must consider any guideline made under (a) section 4A (Guidelines about naming of public places)’. Section 12 of the Public Place Names (Naming of public places) Guidelines 2021 (<https://www.legislation.act.gov.au/View/ni/2021-72/current/html/2021-72.html>) provides that ‘In naming public places, the Minister or the Minister’s delegate should give consideration to: (a) community input on potential nomenclature themes and the nomination of names for commemoration; and (b) feedback in response to community consultation’. This determination is 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, associates, an appropriate cultural group, or a relevant professional organisation, under clause 8 of the guidelines. Consultation was undertaken in this instance in accordance with the guidelines. The broader community was provided an opportunity to comment on the naming proposal through YourSay community engagement which commenced on 7 June 2023 and ran for six weeks.

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 determination revokes and reinstates the name of one man.

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 (section 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 (section 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 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 2023 (No 1)*, NI2023-720.

Status of this Explanatory Statement

This explanatory statement relates to the *Public Place Names (Dickson) Determination 2025 (No 1)* 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 and re-making of Place Names

This clause revokes the determinations of one public place.

Clause 4 – Determination of place names

This clause determines the names of public places as specified in the schedule.