

Queensland



# **PLACE NAMES ACT 1994**

**Act No. 57 of 1994**

# Queensland



## PLACE NAMES ACT 1994

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Queensland



## Place Names Act 1994

**Act No. 57 of 1994**

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**An Act about the naming of places**

*[Assented to 4 November 1994]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

1. This Act may be cited as the *Place Names Act 1994*.

### **Commencement**

2. This Act commences on a day to be fixed by proclamation.

### **Definitions**

3. In this Act—

**“approved name”** of a place means the name appearing in the Gazetteer as the name of the place.

**“excluded place”** means a place prescribed by regulation under section 4(2)(g).

**“executive officer”** of a corporation means a person who is concerned with, or takes part in, the corporation’s management, whether or not the person is a director or the person’s position is given the name of executive officer.

**“Gazetteer”** means the Gazetteer of Place Names.

**“place”** see section 4.

**“place naming issues”** see section 6.

**“publish”** includes show in public and distribute to the public.

**“stated place naming issue”** means a place naming issue mentioned in section 6(2).

**“trade or commerce”** includes—

- (a) a business or professional activity; and

- (b) a single transaction for the sale of property.

## Place

**4.(1)** A “**place**” is an area or geographical feature (whether natural or artificial).

**(2)** However, a “**place**” does not include—

- (a) a road within the meaning of the *Traffic Act 1949*; or
- (b) a canal associated with a residential or commercial development; or
- (c) a building or similar structure; or
- (d) a dam wall or similar structure; or
- (e) a local government area or a division or ward of a local government area; or
- (f) an electoral district under the *Electoral Act 1992*; or
- (g) another place prescribed by regulation.

## Act binds all persons

**5.** This Act binds all persons, including the State, and, so far as the legislative power of the Parliament permits, the Commonwealth and the other States.

# PART 2—NAMING OF PLACES

## *Division 1—Procedures*

### Place naming issues

**6.(1)** “**Place naming issues**” are issues relevant to the naming of places.

(2) Without limiting subsection (1), “**place naming issues**” include—

- (a) community views; and
- (b) the cultural and historical significance of places and names; and
- (c) Aboriginal tradition and Island custom; and
- (d) the appropriateness of a place having more than a single name; and
- (e) commonly known names of places; and
- (f) the extent of use of a name for a place; and
- (g) the length of time a name has been used for a place; and
- (h) topography; and
- (i) guidelines and conventions set by intergovernmental or international committees having functions about the naming of places; and
- (j) the avoidance of confusion about names or the location of places.

(3) The issue mentioned in subsection (2)(d) is relevant only in the application of an issue mentioned in subsection (2)(b) or (c).

### **Powers of Minister**

7.(1) The Minister may—

- (a) give a name to a place; or
- (b) change the approved name of a place; or
- (c) discontinue the use of the approved name of a place.

(2) The exercise of a power by the Minister is subject to the following sections—

- section 8 (Development of place name proposal)
- section 9 (Notice of place name proposal)
- section 11 (Decision about proposal).

**Development of place name proposal**

**8.(1)** Before exercising a power mentioned in section 7, the Minister must develop a proposal about the place's name.

**(2)** In developing the proposal, the Minister may have regard to any place naming issues the Minister considers appropriate (including, in particular, the stated place naming issues).

**Notice of place name proposal**

**9.(1)** The Minister must publish a notice of the proposal, unless publication is not required because of section 10.

**(2)** The notice—

- (a) must be published in the Gazette and a newspaper circulating generally in the area of the place to which the proposal relates; and
- (b) may be published in another way the Minister considers appropriate.

**(3)** The notice must—

- (a) describe the place to which the proposal relates; and
- (b) state the proposal; and
- (c) invite written submissions about the proposal from interested persons, groups of persons and bodies; and
- (d) specify a day by which submissions are to be made; and
- (e) specify an address where submissions may be sent.

**(4)** The day specified in the notice must be a day not earlier than 2 months after publication of the Gazette notice about the proposal.

**Dispensing with publication of proposal**

**10.(1)** The Minister is not required to publish a notice of the proposal if the Minister is satisfied that publication of the proposal is not justified because of—

- (a) the nature of the proposal; and



(b) the likelihood that the proposal would generate no community interest, or no significant community interest, if it were published.

(2) In applying subsection(1)(a), the Minister may, in particular, have regard to whether the proposal deals only with a minor or technical issue.

(3) In applying subsection (1)(b), the Minister may, in particular, have regard to the location of the place to which the proposal relates, including, for example, whether it is in a remote or sparsely populated area.

(4) In subsection (1)(b), a reference to community interest includes a reference to the interest of a particular community, including, for example, a community or group of Aboriginal people or Torres Strait Islanders.

### **Decision about proposal**

**11.(1)** In exercising a power mentioned in section 7 about the proposal, the Minister may have regard to—

- (a) any place naming issues the Minister considers appropriate (including, in particular, the stated place naming issues); and
- (b) if notice of the proposal was published under section 9—any submissions properly made about the proposal.

(2) The Minister’s decision about the proposal—

- (a) must be published in the Gazette and a newspaper circulating generally in the area of the place to which the proposal relates; and
- (b) may be published in another way the Minister considers appropriate.

### ***Division 2—Gazetteer of Place Names***

#### **Gazetteer of Place Names**

**12.(1)** The chief executive must keep the Gazetteer of Place Names.

(2) The Gazetteer may be kept by computer.

**Inspection of Gazetteer**

**13.(1)** The chief executive must ensure the Gazetteer is available for inspection by members of the public during normal business hours at the department's head office and other places the chief executive considers appropriate.

**(2)** A person may inspect, or obtain a copy of part or all of, the Gazetteer if the person pays the fee fixed under subsection (3).

**(3)** The fee must be an amount that—

- (a)** the chief executive considers to be reasonable; and
- (b)** is not more than the reasonable cost of providing for the inspection or making the copy.

**Entries in Gazetteer**

**14.(1)** If the Minister gives a name to a place, the chief executive must enter the name of the place in the Gazetteer.

**(2)** If the Minister changes the approved name of a place, the chief executive must amend the Gazetteer to show the name of the place after the change.

**(3)** If the Minister discontinues the use of the approved name of a place, the chief executive must omit the name of the place from the Gazetteer.

**(4)** The chief executive may include in, or omit from, the Gazetteer—

- (a)** a name of an excluded place; and
- (b)** other details the chief executive considers appropriate (whether or not the details are about an excluded place).

**(5)** The chief executive must comply with subsection (1), (2) or (3) as soon as practicable after the decision is made by the Minister.

## PART 3—OFFENCES AND PROCEEDINGS

### Publishing unapproved place name

**15.(1)** A person must not, in trade or commerce—

- (a) publish a document; or
- (b) authorise the publication in a document of an advertisement or statement;

in which a name that is not an approved name of a place is represented as the place's name.

Maximum penalty—100 penalty units.

**(2)** Subsection (1) does not apply—

- (a) if it is clear from the document, advertisement or statement that the name is not the approved name of the place or the place does not have an approved name; or
- (b) if the document is a newspaper printed under the *Printing and Newspapers Act 1981*—to the printer or publisher of the newspaper.

### Responsibility for acts or omissions of representatives

**16.(1)** In this section—

**“representative”** means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
- (b) of an individual—an employee or agent of the individual.

**“state of mind”** of a person includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
- (b) the person's reasons for the intention, opinion, belief or purpose.

**(2)** Subsections (3) and (4) apply in a proceeding for an offence against this Act.

(3) If it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—

- (a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
- (b) the representative had the state of mind.

(4) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person took all reasonable steps to prevent the act or omission.

### **Executive officers must ensure corporation complies with Act**

**17.(1)** The executive officers of a corporation must ensure the corporation complies with this Act.

(2) If a corporation commits an offence against a provision of this Act, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the provision.

Maximum penalty—100 penalty units.

(3) Evidence that a corporation has been convicted of an offence against a provision of this Act is evidence each of the corporation's executive officers committed the offence of failing to ensure the corporation complies with the provision.

(4) However, it is a defence for an executive officer to prove—

- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—that the officer took all reasonable steps to ensure the corporation complied with the provision; or
- (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

(5) In this section—

**“convicted”** of an offence means that the corporation has been found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction was recorded.

### **Evidentiary provisions**

**18.(1)** This section applies to a proceeding under this Act.

(2) A signature purporting to be the signature of the chief executive is evidence of the chief executive’s signature.

(3) A certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—

- (a) on a stated day, or during a stated period, a stated name appeared, or did not appear, in the Gazetteer as the name of a place;
- (b) a document is a copy of the Gazetteer or a copy of part of the Gazetteer;
- (c) the boundaries of a place that has an approved name.

## **PART 4—MISCELLANEOUS**

### **Protection from liability**

**19.(1)** In this section—

**“official”** means—

- (a) the Minister; or
- (b) the chief executive; or
- (c) a person acting under the direction of the Minister or chief executive.

(2) An official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.

(3) If subsection (2) prevents a civil liability attaching to an official, the liability attaches instead to the State.

### **Delegation by chief executive**

20. The chief executive may delegate the chief executive's powers under this Act to an officer of the public service.

### **Regulation making power**

21. The Governor in Council may make regulations under this Act.

## **PART 5—TRANSITIONAL PROVISIONS AND REPEALS**

### **Definition**

22. In this Part—

“repealed Act” means the *Queensland Place Names Act 1988*.

### **Continuation of place naming action**

23.(1) This section applies if—

- (a) before the commencement of this Act, notice of a proposal to assign a name to a place or alter or omit an approved place name was published in the Gazette under section 11 of the repealed Act; and
- (b) a decision about the proposal was not made by the Governor in Council before the commencement of this Act.

(2) The procedures for dealing with the proposal may be continued as if this Act had not commenced and the repealed Act were still in force.

**Entries in Gazetteer about continued place naming action**

**24.(1)** This section applies if a decision to assign a name to a place or alter or omit an approved place name is made by the Governor in Council about a proposal to which section 23(1) applies.

**(2)** As soon as practicable after the decision is made the chief executive must—

- (a) publish a notice of the decision; and
- (b) make in the Gazetteer the entry, amendment or omission the chief executive would be required to make under section 14 if the decision were a decision of the Minister.

**(3)** The notice of the decision—

- (a) must be published in the Gazette and a newspaper circulating generally in the area of the place to which the proposal relates; and
- (b) may be published in another way the chief executive considers appropriate.

**(4)** For the purposes of subsection(2)(b)—

- (a) a decision of the Governor in Council to assign a name to a place has effect as a decision of the Minister to give a name to a place; and
- (b) a decision of the Governor in Council to alter an approved place name has effect as a decision of the Minister to change the approved name of a place; and
- (c) a decision of the Governor in Council to omit an approved place name has effect as a decision of the Minister to discontinue the use of the approved name of a place.

**Entries in Gazetteer of previously approved place names**

**25.** The chief executive may enter the name of a place in the Gazetteer if, immediately before the commencement of this Act, the name—

- (a) was the approved place name, within the meaning of the repealed Act, of the place; and

- (b) did not appear as the name of the place in the Gazetteer of Place Names kept under the repealed Act.

### **Gazetteer**

**26.** The Gazetteer of Place Names kept under the repealed Act immediately before the commencement of this Act is taken to be the Gazetteer of Place Names kept by the chief executive under this Act.

### **Repeal of Queensland Place Names Act 1988**

**27.** The *Queensland Place Names Act 1988* is repealed.

### **Expiry of Part**

**28.(1)** Sections 26 and 27 expire on the day this Act commences.

**(2)** The remaining provisions of this Part expire 1 year after this Act commences.