

**NORTHERN TERRITORY OF AUSTRALIA**

**PLACE NAMES ACT**

As in force at 1 July 2008

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# NORTHERN TERRITORY OF AUSTRALIA

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This reprint shows the Act as in force at 1 July 2008. Any amendments that commence after that date are not included.

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## PLACE NAMES ACT

### An Act relating to the naming of places

#### 1 Short title

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

#### 2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 3 Repeal and saving

- (1) The *Nomenclature (Public Places) Ordinance 1945* and the *Nomenclature (Public Places) Ordinance 1966* are repealed.
- (2) Notwithstanding the repeal effected by subsection (1), where, by virtue of section 5 of the *Nomenclature (Public Places) Ordinance*, a public place was, immediately prior to the commencement of this Act, known by a particular name, that public place shall continue to be known by that name unless and until the name of that public place is altered as provided by this Act.

#### 4 Definitions

In this Act, unless the contrary intention appears:

***council*** means a council constituted under the *Local Government Act*.

***council area*** means an area for which a council is constituted under the *Local Government Act*.

***member*** means a member of the Committee.

***place*** has the meaning in section 4A.

***Surveyor-General*** means the Surveyor-General for the Northern Territory appointed under the *Licensed Surveyors Act*.

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**the Committee** means the Place Names Committee for the Northern Territory established under this Act.

#### **4A Meaning of *place***

- (1) A place includes:
- (a) a geographic or topographic feature (whether or not covered by water);
  - (b) a county, hundred, town, community, suburb or locality within a town or a site for a town;
  - (c) a highway, road, street, lane, trail or thoroughfare that is open to or used by the public;
  - (d) a park, garden, reserve, recreation or sporting ground that is open to or used by the public;
  - (e) a public cemetery within the meaning of the *Cemeteries Act*;
  - (f) public infrastructure associated with transport facilities, educational institutions, medical institutions or nursing homes; and
  - (g) a place, structure or building that is or may be of public or historic interest.
- (2) A place does not include:
- (a) a division within the meaning of the *Electoral Act*;
  - (b) a council area or a ward; or
  - (c) a place that is given or that may be given a name under another law in force in the Territory.

#### **5 Place Names Committee**

- (1) For the purposes of this Act, there shall be a Place Names Committee for the Northern Territory.
- (2) The Committee shall consist of 4 members.
- (3) The Minister, in writing, may appoint:
- (a) 2 persons to be members, and may appoint one of those persons to be the Chairperson of the Committee; and

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(b) one person to be a member from among 3 persons nominated by the Local Government Association of the Northern Territory.

(4) The Surveyor-General shall be a member of the Committee.

## **6 Acting Chairperson**

When the office of Chairperson is vacant or in the event of the absence, illness or other incapacity of the Chairperson, the Surveyor-General shall have the powers, exercise the functions and perform the duties of the Chairperson.

## **7 Term of appointment**

(1) Subject to subsection (2), a member (other than the Surveyor-General) holds office for such period not exceeding 3 years, as is specified in the instrument appointing him or her, and is eligible for reappointment.

(2) The appointment of a member (other than the Surveyor-General) may be terminated at any time by the Minister by notice in writing.

(3) A member (other than the Surveyor-General) may resign his or her office by notice in writing to the Minister.

## **7A Deputies of members**

(1) A member (other than the Chairperson or the Surveyor-General) may by writing under his or her hand appoint a person to be his or her deputy for the purpose of attending a specified meeting of the Committee.

(2) A person appointed under subsection (1) has, at the meeting in respect of which he or she is appointed, but not otherwise, all the powers and functions of the member of whom he or she is the deputy but shall not preside at the meeting.

(3) An appointment under subsection (1) is revocable by writing served on the deputy before the time fixed for the meeting in respect of which the deputy is appointed but if not so revoked prevents the member making the appointment from exercising his powers and performing his functions in person at the meeting.

## **9 Committee's reports and recommendations**

(1) Subject to this section, the Committee may, from time to time as occasion requires, make reports to the Minister containing recommendations in relation to the naming of or the altering of the name of a place.

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- (1A) Before making a report under subsection (1), the Committee must seek the views of interested persons, including any of the following:
- (a) if the report relates to a place within a council area – the council established for the area;
  - (b) if the report relates to a place outside a council area – the Land Council, within the meaning of the *Aboriginal Land Rights (Northern Territory) Act 1976* of the Commonwealth, established in respect of the area where the place is located;
  - (c) if the report relates to a place within an area covered by an agreement with the Territory that includes provisions relating to the naming of places – the organisation required under the agreement to be consulted with in respect of the naming of the place;
  - (d) if the report relates to the naming of land – the owner or developer of the land;
  - (e) the family or descendants of a person proposed to be commemorated through the naming of a place.
- (1B) The Committee must not make a recommendation under subsection (1) in relation to naming or altering the name of:
- (a) a road, street, lane, trail or thoroughfare that is not vested in the Territory or a council – unless the owner of the road, street, lane, trail or thoroughfare agrees to the recommendation being made; or
  - (b) a building – unless the owner of the building agrees to the recommendation being made.
- (2) The Committee shall forward to the Minister with each report under subsection (1) any communications and particulars of any representations received by it in relation to the naming of or the altering of the name of a place to which the report relates.
- (3) A reference in this section to the altering of the name of a place shall be read as including a reference to the substitution of another name for the name of the place.

## **10 Meetings of the Committee**

- (1) The Chairperson may of his own motion and shall, when requested to do so by the Minister, convene a meeting of the Committee by giving reasonable notice in writing of the time and place of the meeting to each member.

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- (2) At a meeting of the Committee:
    - (a) the Chairperson shall preside;
    - (b) 3 members form a quorum;
    - (c) all questions shall be decided by a majority of votes of the members present and voting; and
    - (d) the Chairperson shall have a deliberative vote and, in the event of an equality of votes, shall have a casting vote.

## **11 Powers of Minister**

- (1A) The Minister may, in relation to the naming of or the alteration of the name of a place, direct the Committee to consider certain names or recommend specific names, and the Committee shall make recommendations thereon in accordance with section 9.
  - (1) Upon receiving a report under section 9, the Minister may:
    - (a) approve, either without alteration or subject to such alteration as he or she thinks fit, any recommendation contained in the report;
    - (b) reject any recommendation contained in the report; or
    - (c) return the report to the Committee for further consideration and the submission of another report under that section.
  - (2) The Minister must notify the Committee of a recommendation approved under subsection (1).

## **11A Delegation**

- (1) The Minister may, in writing, delegate to the Chairperson of the Committee or the Surveyor-General the Minister's powers under sections 11(1)(a) and (2) and 11D(1).
- (2) A person who is delegated the Minister's power under section 11(1)(a) may only exercise the power where a report of the Committee under section 9 recommends:
  - (a) changes to the boundaries or geographical description of a place that has been named under this Act;
  - (b) the naming of an extension to a highway, road, street, lane, trail or thoroughfare that has been named under this Act;

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- (c) the naming or altering of the name of an Aboriginal community when the request has been made by an organisation representing the community;
  - (d) the naming or altering of the name of a place appearing on map sheets and charts of the Territory the name for which has been in general use in the community for at least 10 years; or
  - (e) the naming or altering of the name of a geographic or topographic feature the name for which has been commonly used by the community or landowner in the area of the feature for at least 10 years.

#### **11B Register**

- (1) The Committee must establish a register.
- (2) The register may be kept in any form the Committee determines.
- (3) The Committee must record in the register a name approved under section 11 as soon as practicable after being notified under section 11(2).
- (4) The Committee must ensure that the register is able to be inspected by the public.

#### **11C Naming of place**

The name approved for a place under section 11 is the name of the place from the date the name is recorded in the register kept under section 11B.

#### **11D Notification of naming of place**

- (1) The Minister may publish in the *Gazette* a notice of the naming of a place.
- (2) The Committee may develop guidelines as to which categories of places should be notified under subsection (1).

#### **12 Regulations**

The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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**13 Transitional matters for Place Names Amendment Act 2004**

On the commencement of the *Place Names Amendment Act 2004*, the name given a place under this Act is taken to have been recorded in the register kept under section 11B.



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**ENDNOTES**
**1****KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2****LIST OF LEGISLATION*****Place Names Ordinance 1967 (Act No. 38, 1967)***

Assent date	8 September 1967
Commenced	22 November 1967 ( <i>Gaz No. 56, 22 November 1967</i> )

***Place Names Ordinance 1973 (Act No. 6, 1973)***

Assent date	13 March 1973
Commenced	11 October 1973 ( <i>Gaz No. 40, 4 October 1973</i> )

***Ordinances Revision Ordinance 1973 (Act No. 87, 1973)***

Assent date	11 December 1973
Commenced	11 December 1973 (s 12(2))

**Amending Legislation*****Ordinances Revision Ordinance 1974 (Act No. 34, 1974)***

Assent date	26 August 1974
Commenced	11 December 1973 (s 3(2))

***Ordinances Revision Ordinance (No. 2) 1974 (Act No. 69, 1974)***

Assent date	24 October 1974
Commenced	11 December 1973 (s 3)

***Ordinances Revision Ordinance 1976 (Act No. 27, 1976)***

Assent date	28 June 1976
Commenced	ss 1, 2 and 6: 28 June 1976 (s 6(2)); ss 3 and 4: 11 December 1973; s 5: 24 October 1974

***Transfer of Powers (Further Provisions) Ordinance 1977 (Act No. 51, 1977)***

Assent date	9 December 1977
Commenced	1 January 1978 (s 2)

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***Transfer of Powers (Self-Government) Ordinance 1978 (Act No. 54, 1978)***

Assent date 1 July 1978  
Commenced 1 July 1978 (s 2)

***Statute Law Revision Act 1978 (Act No. 95, 1978)***

Assent date 5 September 1978  
Commenced 5 September 1978

***Remuneration (Statutory Bodies) Act 1979 (Act No. 9, 1980)***

Assent date 14 January 1980  
Commenced 8 February 1980 (*Gaz G6*, 8 February 1980, p 6)

***Statute Law Revision Act (No. 4) 1981 (Act No. 4, 1982)***

Assent date 12 February 1982  
Commenced 12 February 1982

***Place Names Amendment Act 1983 (Act No. 55, 1983)***

Assent date 8 November 1983  
Commenced 8 November 1983

***Local Government (Consequential Amendments) Act 1993 (Act No. 84, 1993)***

Assent date 31 December 1993  
Commenced 1 June 1994 (s 2, s 2 *Local Government Act 1993* (Act No. 83, 1993) and *Gaz S35*, 20 May 1994)

***Place Names Amendment Act 2004 (Act No. 70, 2004)***

Assent date 21 December 2004  
Commenced 7 September 2005 (*Gaz G36*, 7 September 2005, p 3)

***Local Government (Consequential Amendments) Act 2008 (Act No. 28, 2008)***

Assent date 14 November 2008  
Commenced 1 July 2008 (s 2)

### 3 GENERAL AMENDMENTS

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Ordinances Revision Ordinance 1973* (Act No. 87, 1973) (as amended) to: ss 3, 4, 5, 7, 10 and 11.

### 4. LIST OF AMENDMENTS

It	amd No. 4, 1982, s 3; No. 70, 2004, s 10
ss 1 – 3	amd No. 4, 1982, s 3
s 4	amd No. 6, 1973, s 4; No. 4, 1982, s 3; No. 55, 1983, s 3; No. 84, 1993, s 6; No. 70, 2004, s 4; No. 28, 2008, s 3
s 4A	ins No. 70, 2004, s 5
s 5	amd No. 28, 2008, s 3 amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 4, 1982, s 3 sub No. 55, 1983, s 4 amd No. 70, 2004, s 10
s 7	amd No. 51, 1977, s 3; No. 54, 1978, s 4; No. 4, 1982, s 3 sub No. 55, 1983, s 5 amd No. 70, 2004, s 10
s 7A	ins No. 55, 1983, s 5 amd No. 70, 2004, s 10

## ENDNOTES

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- s 8 rep No. 9, 1980, s 6  
s 9 amd No. 6, 1973, s 5; No. 51, 1977, s 3; No. 54, 1978, s 3; No. 55, 1983, s 6;  
No. 84, 1993, s 6; No. 70, 2004, ss 6 and 10  
s 10 amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 4, 1982, s 3; No. 55, 1983, s 7;  
No. 70, 2004, s 10  
s 11 amd No. 51, 1977, s 3; No. 54, 1978, s 3; No. 4, 1982, s 3; No. 55, 1983, s 8;  
No. 70, 2004, ss 7 and 10  
ss 11A – 11D ins No. 70, 2004, s 8  
s 12 amd No. 95, 1978, s 4; No. 4, 1982, s 3  
s 13 ins No. 70, 2004, s 9