

NORTHERN TERRITORY OF AUSTRALIA  
PLACE NAMES AMENDMENT ACT 2004

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Act No. 70 of 2004

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# **NORTHERN TERRITORY OF AUSTRALIA**

Act No. 70 of 2004

## **AN ACT**

to amend the *Place Names Act*

*[Assented to 21 December 2004]*

*[Second reading 6 October 2004]*

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Place Names Amendment Act 2004*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act**

The *Place Names Act* is in this Act referred to as the Principal Act.

**4. Definitions**

Section 4 of the Principal Act is amended –

(a) by inserting before the definition of "member" the following:

" 'council' has the same meaning as in the *Local Government Act*;

'council area' has the same meaning as in the *Local Government Act*;" and

*Place Names Amendment Act 2004*

- (b) by omitting the definition of "public place" and substituting the following:  
" 'place' has the meaning in section 4A;".

**5. New section 4A**

The Principal Act is amended by inserting after section 4 the following:

**"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 of a municipality; or
- (c) a place that is given or that may be given a name under another law in force in the Territory."

**6. Committee's report and recommendations**

Section 9 of the Principal Act is amended –

- (a) by omitting from subsection (1) "subsection (1A)" and substituting "this section"; and

*Place Names Amendment Act 2004*

(b) by omitting subsection (1A) and substituting the following:

"(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."

**7. Powers of Minister**

Section 11 of the Principal Act is amended by omitting subsection (2) and substituting the following:

"(2) The Minister must notify the Committee of a recommendation approved under subsection (1)."

**8. New sections 11A, 11B, 11C and 11D**

The Principal Act is amended by inserting after section 11 the following:

**"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;
- (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)."

**9. New section 13**

The Principal Act is amended by inserting after section 12 the following:

**"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."

**10. Further amendments**

The Principal Act is amended as specified in the Schedule.

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SCHEDULE

Section 10

Provision	Amendment	
	omit	substitute
Long title	Public	
Sections 5(3)(a) and 6	Chairman (all references)	Chairperson
Section 7(1)	him	him or her
Section 7(3)	his	his or her
Section 7A(1)	Chairman his (all references)	Chairperson his or her
Section 7A(2)	he (all references)	he or she
Section 9(1), (2) and (3)	public (all references)	
Section 10	Chairman (all references)	Chairperson
Section 11(1A)	public	
Section 11(1)(a)	he	he or she

ALTERATION TO SECTION HEADING

On the day on which the *Place Names Act* is amended by this Act, in addition to any alteration to section headings indicated in the text of this Act, the heading to section 6 of the *Place Names Act* is altered by omitting "**Chairman**" and substituting "**Chairperson**".