

SOUTH AUSTRALIA

GEOGRAPHICAL NAMES ACT 1991

SUMMARY OF PROVISIONS

PART I PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Act not to apply to certain places
5. Act binds Crown

PART II ADMINISTRATION OF ACT

DIVISION I—THE MINISTER

6. The Minister's functions
7. Power of Minister to delegate
8. Assignment of geographical name

DIVISION II—THE SURVEYOR-GENERAL

9. Functions of the Surveyor-General

DIVISION III—THE GEOGRAPHICAL NAMES ADVISORY COMMITTEE

10. Establishment of Committee
11. Functions of Committee

PART III MISCELLANEOUS

12. Certain places not to be named without Surveyor-General's approval
13. Offences
14. Proceedings for offences
15. Power of Surveyor-General to recover costs
16. This Act not to affect rights and liabilities
17. Regulations
18. Repeal of Geographical Names Act 1969

APPENDIX DIVISIONAL PENALTIES

GEOGRAPHICAL NAMES ACT 1991

being

Geographical Names Act 1991 No. 39 of 1991
[Assented to 31 October 1991]¹

¹ Came into operation 9 January 1992: *Gaz.* 9 January 1992, p. 2.

An Act to regulate the practice of naming geographical places; to repeal the Geographical Names Act 1969; and for other purposes.

The Parliament of South Australia enacts as follows:

PART I
PRELIMINARY

Short title

1. This Act may be cited as the *Geographical Names Act 1991*.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. In this Act, unless the contrary intention appears—

"the Committee" means the *Geographical Names Advisory Committee*:

"geographical name" means a name assigned to a place under this Act or approved as the geographical name of a place under this Act:

"place" means any area, region, locality, city, suburb, town, township, or settlement, or any geographical or topographical feature, and includes any railway station, hospital, school and any other place or building that is, or is likely to be, of public or historical interest:

"record" means—

- (a) a documentary record;
 - (b) a plan;
 - (c) a record made by an electronic, electro-magnetic, photographic or optical process;
- or
- (d) any other kind of record:

"recorded name" means the name by which a place is designated on a map, plan or other record deposited in the Department of Lands.

Note: For definition of divisional penalties see Appendix.

Act not to apply to certain places

4. This Act does not apply to or in relation to the name of—

- (a) a municipality, district or ward constituted or established under the *Local Government Act 1934*;

3.

(b) an electoral district, division or subdivision established under the *Constitution Act 1934* or the *Electoral Act 1985*;

(c) a road or street;

or

(d) a place prescribed by regulation.

Act binds Crown

5. This Act binds the Crown.

PART II
ADMINISTRATION OF ACT
DIVISION I—THE MINISTER

The Minister's functions

6. The Minister has the following functions under this Act:

- (a) to assign names to places;
- (b) to approve a recorded name of a place as its geographical name;
- (c) to alter a geographical name;
- (d) to determine whether the use of a recorded name or a geographical name is to be discontinued;
- (e) such other functions as are assigned to the Minister by this Act.

Power of Minister to delegate

7. (1) The Minister may delegate any of the Minister's powers or functions under this Act—

- (a) to the Surveyor-General;
 - (b) to the *Geographical Names Advisory Committee*;
- or
- (c) to the person for the time being occupying a particular office or position.

(2) A delegation under this section—

- (a) must be by instrument in writing;
- (b) may be absolute or conditional;
- (c) does not derogate from the power of the Minister to act in any matter;

and

- (d) is revocable at will by the Minister.

Assignment of geographical name

8. (1) Subject to this section, where the Minister is satisfied—

- (a) that the recorded name of the place is the name that is by common usage assigned to that place;
- (b) that there are no variants of the name that is by common usage assigned to that place;

and

5.

(c) that there are no other names that are by common usage assigned to that place,

the Minister may, by notice published in the *Gazette*, declare that from the date of the publication of the notice the recorded name of the place is approved as its geographical name.

(2) Except in a case where subsection (1) applies, where the Minister proposes—

(a) to assign a geographical name to a place;

or

(b) to alter the geographical name of a place,

the Minister must cause to be published in the *Gazette* and in a newspaper circulating in the neighbourhood of that place a notice that—

(c) sets out a description of the place together with—

(i) the proposed geographical name of the place;

or

(ii) the proposed alteration to the geographical name of the place;

and

(d) invites interested persons to make written submissions to the Minister in relation to the proposal within one month of the publication of the notice.

(3) The Minister may, after taking into account any submission received under subsection (2)(d), by notice published in the *Gazette*—

(a) declare that from the date of the publication of the notice the geographical name of a place is to be the name set out in the notice;

or

(b) alter the geographical name of a place to the name set out in the notice.

(4) An alteration under subsection (3)(b) takes effect from a date fixed by the notice.

(5) The Minister may assign to a place a dual geographical name that is comprised of—

(a) an aboriginal name that is the aboriginal name used for that place;

and

(b) another name.

(6) The Minister may, by notice published in the *Gazette*, declare that from the date specified in the notice the use of the geographical name of a place is discontinued.

6.

(7) The Minister must, in carrying out functions under this section, take into account the advice of the Surveyor-General and the Committee.

DIVISION II—THE SURVEYOR-GENERAL

Functions of the Surveyor-General

9. (1) The Surveyor-General has the following functions under this Act:

- (a) to advise the Minister with respect to any matter relating to the administration or operation of this Act;
- (b) to keep such records as the Surveyor-General may determine are necessary in relation to the administration or operation of this Act;
- (c) to investigate and determine—
 - (i) the form, spelling, meaning, origin or history of the name of a place;and
 - (ii) the application and usage of the name of a place;and
- (d) to publish from time to time a gazetteer containing geographical names and any other information as may be determined by the Surveyor-General.

DIVISION III—THE GEOGRAPHICAL NAMES ADVISORY COMMITTEE

Establishment of Committee

10. (1) The *Geographical Names Advisory Committee* is established.

(2) The Committee consists of the Surveyor-General (the presiding member) and five other persons appointed by the Minister after taking into account the recommendations of the Surveyor-General.

(3) At least one member of the Committee must be a woman and at least one must be a man.

(4) A member of the Committee holds office on such conditions and for such term as the Minister determines.

(5) A member of the Committee is entitled to such allowances and expenses as the Minister may determine.

(6) Subject to directions of the Minister, the Committee may conduct its business in such manner as it thinks fit.

Functions of Committee

11. The functions of the Committee are—

- (a) to advise the Minister and the Surveyor-General on the performance of their functions under this Act;
- (b) to monitor the operation of this Act and to make recommendations where appropriate for improvements in its administration.

PART III
MISCELLANEOUS

Certain places not to be named without Surveyor-General's approval

12. (1) On application, the Surveyor-General may, by instrument in writing, approve a name to be given to—

- (a) a hospital, school, college or educational institution that is established after the commencement of this Act;
- (b) an area of land that is divided for residential, industrial or commercial purposes after the commencement of this Act;
- (c) any other place or type of place that the Surveyor-General specifies by notice published in the *Gazette*.

(2) In this section—

"divided" means subdivided and re-subdivided and includes the alteration of the boundaries of allotments of land.

Offences

13. (1) Where—

- (a) a geographical name has been assigned to a place under section 8;

or

- (b) a name for a place has been approved pursuant to an application made under section 12,

a person must not produce or cause to be produced, or display or cause to be displayed, a document or advertisement in which another name is represented, specifically or by implication, as being the name of that place unless the assigned geographical name or the approved name is also prominently represented.

Penalty: Division 6 fine.

(2) In this section—

"document" includes a book, brochure, guide, manual, map, newspaper, notice or billboard.

Proceedings for offences

14. (1) An offence against this Act is a summary offence.

(2) Proceedings for an offence against this Act must not be commenced without the consent of the Minister.

(3) In any proceedings for an offence against this Act, a certificate apparently signed by the Minister certifying his or her consent to the proceedings is, in the absence of proof to the contrary, to be accepted as proof of the Minister's consent.

Power of Surveyor-General to recover costs

15. (1) Where a person applies to the Surveyor-General for—

- (a) the assignment of a geographical name to a place;
 - (b) a change to the geographical name or boundaries of a place;
- or
- (c) an approval under section 12,

the Surveyor-General may recover from the applicant any costs or expenses reasonably incurred by the Surveyor-General in dealing with the application.

(2) In any proceedings under this section, a certificate apparently signed by the Surveyor-General certifying the costs and expenses incurred by the Surveyor-General in dealing with an application under subsection (1) is, in the absence of proof to the contrary, to be accepted as proof of the costs and expenses.

This Act not to affect rights and liabilities

16. (1) Nothing in this Act and nothing done pursuant to this Act affects the operation or validity of any instrument or agreement that creates or imposes any rights or liabilities.

(2) Nothing in this Act imposes any obligation on or otherwise affects or applies to the Registrar-General.

Regulations

17. (1) The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

(2) In particular, the regulations may—

- (a) prescribe and provide for the payment of any fees to be paid by any person under this Act;

and

- (b) prescribe a fine, not exceeding a division 7 fine, for contravention of the regulations.

Repeal of Geographical Names Act 1969

18. (1) The *Geographical Names Act 1969* is repealed.

(2) A geographical name in force under the *Geographical Names Act 1969* immediately before the commencement of this Act, is to be taken to be a geographical name assigned to a place under this Act.

10.

APPENDIX

Divisional Penalties

At the date of assent to this Act divisional penalties are, as provided by section 28a of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine
1	15 years	\$60 000
2	10 years	\$40 000
3	7 years	\$30 000
4	4 years	\$15 000
5	2 years	\$8 000
6	1 year	\$4 000
7	6 months	\$2 000
8	3 months	\$1 000
9	-	\$500
10	-	\$200
11	-	\$100
12	-	\$50