

South Australia

Geographical Names Act 1991

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

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

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

3—Interpretation

In this Act, unless the contrary intention appears—

dual geographical name means a geographical name that is comprised of—

- (a) an aboriginal name that is the aboriginal name used for a place; and
- (b) another name assigned to the place by the Minister;

geographical name means a name assigned to, or approved as the name of, a place under this Act, and includes a dual geographical name;

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; or
- (b) a plan; or
- (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.

4—Act not to apply to certain places

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*; or
- (b) an electoral district, division or subdivision established under the *Constitution Act 1934* or the *Electoral Act 1985*; or
- (c) a road or street; or
- (d) a place prescribed by regulation.

5—Act binds Crown

This Act binds the Crown.

Part 2—Administration of Act

Division 1—The Minister

6—Functions of Minister

- (1) 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.
- (2) The Minister must, in carrying out functions under this Act, take into account the advice of the Surveyor-General.

7—Power of Minister to delegate

- (1) The Minister may delegate any of the Minister's powers or functions under this Act—
 - (a) to the Surveyor-General; 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; and
 - (b) may be absolute or conditional; and
 - (c) does not derogate from the power of the Minister to act in any matter; and
 - (d) is revocable at will by the Minister.

Division 2—The Surveyor-General

9—Functions of the Surveyor-General

- (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; and
 - (b) to keep such records as the Surveyor-General may determine are necessary in relation to the administration or operation of this Act; and
 - (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.

Part 2A—Geographical names

11A—Approval of common name of place as geographical name

If the Minister is satisfied—

- (a) that the recorded name of a place is the name that is by common usage assigned to that place; and
- (b) that there are no other names (including any variants of the recorded name) that are by common usage assigned to that place,

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

11B—Assignment of geographical name

- (1) The Minister may, by notice in the Gazette—

- (a) assign a geographical name to a place described in the notice; or
- (b) alter the boundaries of a place in respect of which a geographical name has been assigned or approved under this Act,

to have effect from the date specified in the notice.

- (2) If the Minister proposes—

- (a) to assign a geographical name to a place; or
- (b) to alter the boundaries of a place that has a geographical name,

the Minister—

- (c) must give written notice of the details of the proposal to each local council likely to be interested in the proposal, inviting them to make written submissions to the Minister in relation to the proposal within one month of receipt of the notice; and
- (d) must cause to be published in the Gazette and in a newspaper circulating in the neighbourhood of that place a notice that—
 - (i) gives details of the proposal; and
 - (ii) 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 must take into account any submissions received in accordance with an invitation under subsection (2).

- (4) The Minister need not comply with subsection (2) in the case of a proposed boundary alteration if satisfied—

- (a) that the alteration is minor and non-contentious; and
- (b) that the views of interested persons have been adequately canvassed by some other means.

- (5) If a division or amalgamation of allotments of land does not result in a change of address of any allotment involved in the division or amalgamation, the Minister need not comply with subsection (2) in altering the boundary of a place in respect of which a geographical name has been assigned or approved under this Act so as to align it with a boundary of an allotment of land resulting from the division or amalgamation.
- (6) Subsection (5) applies in relation to a division or amalgamation of allotments of land occurring before or after the commencement of that subsection.

11C—Discontinuance of use of geographical name

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

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

- (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.

13—Offences

- (1) Where—
 - (a) a geographical name has been assigned or approved in respect of a place under this Act; 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 geographical name or the approved name is also prominently represented.

Maximum penalty: \$5 000.

- (2) In this section—

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

Part 3—Miscellaneous

14—Proceedings for offences

- (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.

15—Power of Surveyor-General to recover costs

- (1) Where a person applies to the Surveyor-General for—
 - (a) the assignment of a geographical name to a place; or
 - (b) the alteration of the boundaries of a place in respect of which a geographical name has been assigned or approved under this Act; 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.

16—This Act not to affect rights and liabilities

- (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.

17—Regulations

- (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 penalty not exceeding \$2 500 for contravention of the regulations.

18—Transitional provision

- (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.

Legislative history

Notes

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation repealed by principal Act

The *Geographical Names Act 1991* repealed the following:

Geographical Names Act 1969

Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1991	39	<i>Geographical Names Act 1991</i>	31.10.1991	9.1.1992 (<i>Gazette 9.1.1992 p2</i>)
1999	50	<i>Geographical Names (Assignment of Names) Amendment Act 1999</i>	12.8.1999	12.8.1999
2006	24	<i>Geographical Names (Miscellaneous) Amendment Act 2006</i>	5.10.2006	23.11.2006 (<i>Gazette 23.11.2006 p4078</i>)
2009	84	<i>Statutes Amendment (Public Sector Consequential Amendments) Act 2009</i>	10.12.2009	Pt 70 (s 167)—1.2.2010 (<i>Gazette 28.1.2010 p320</i>)

Provisions amended

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended under <i>Legislation Revision and Publication Act 2002</i>	
Pt 1		
s 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	
s 3		
<i>the Committee</i>	<i>deleted by 24/2006 s 4</i>	23.11.2006
dual geographical name	inserted by 50/1999 s 2	12.8.1999

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geographical name	substituted by 50/1999 s 2	12.8.1999
Pt 2		
Pt 2 Div 1		
s 6		
s 6(1)	s 6 redesignated as s 6(1) by 50/1999 s 3	12.8.1999
s 6(2)	inserted by 50/1999 s 3	12.8.1999
	amended by 24/2006 s 5	23.11.2006
s 7		
s 7(1)	(b) deleted by 24/2006 s 6	23.11.2006
s 8	<i>deleted by 50/1999 s 4</i>	<i>12.8.1999</i>
Pt 2 Div 3	<i>deleted by 24/2006 s 7</i>	23.11.2006
Pt 2A	inserted by 50/1999 s 5	12.8.1999
<i>heading preceding</i> s 13	<i>deleted by 50/1999 s 6</i>	<i>12.8.1999</i>
s 11B		
s 11B(5) and (6)	inserted by 24/2006 s 8	23.11.2006
s 13		
s 13(1)	amended by 50/1999 s 7	12.8.1999
Pt 3	heading inserted by 50/1999 s 8	12.8.1999
s 14		
s 14(1)	<i>deleted by 50/1999 s 9</i>	<i>12.8.1999</i>
s 15		
s 15(1)	amended by 50/1999 s 10	12.8.1999
s 17		
s 17(2)	amended by 50/1999 s 11	12.8.1999
s 18		
s 18(1)	<i>omitted under Legislation Revision and Publication Act 2002</i>	

Historical versions

Reprint No 1—12.8.1999