

SOUTH AUSTRALIA

GEOGRAPHICAL NAMES ACT, 1969

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **15 August 1991**.*

It should be noted that the Act was not revised (for obsolete references, etc.) by the Commissioner of Statute Revision prior to the publication of this reprint.

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APPENDIX LEGISLATIVE HISTORY

GEOGRAPHICAL NAMES ACT, 1969

being

Geographical Names Act, 1969, No. 101 of 1969
[Assented to 18 December 1969]¹

as amended by

Statutes Amendment (Planning) Act, 1982, No. 62 of 1982 [Assented to 1 July 1982]²

¹ Came into operation 21 May 1970: *Gaz.* 21 May 1970, p. 1842.

² Came into operation 4 November 1982: *Gaz.* 4 November 1982, p. 1304.

An Act to establish a board to assign names to geographical features of South Australia and to exercise certain other powers, and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:—

Short title and commencement

1. This Act may be cited as the *Geographical Names Act, 1969* and shall come into operation on a day to be fixed by proclamation.

Interpretation

2. In this Act, unless the context otherwise requires—

"the board" means the "Geographical Names Board of South Australia":

"*ex officio* member" means a member of the board who holds an office referred to in subsection (2) of section 3 of this Act:

"geographical name" means a name assigned to a place under this Act:

"the metropolitan area" means Metropolitan Adelaide as defined in the Development Plan constituted under the *Planning Act, 1982*:

"the Minister" means the Minister of Lands:

"nominated member" means a member of the board nominated by the holder of an office referred to in paragraph (c), (d) or (e) of subsection (2) of section 3 of this Act or nominated as a member of the board under paragraph (f) of that subsection:

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

"recorded name" means the name by which a place is designated on a map signed by the Surveyor-General or the Deputy Surveyor-General and deposited in the Land Office at Adelaide:

"the Registrar" means the Registrar-General under the *Real Property Act, 1886-1969*, or the Registrar-General of Deeds under the *Registration of Deeds Act, 1935-1962*.

Establishment of board

3. (1) There shall be a board entitled the "Geographical Names Board of South Australia".

(2) The board shall consist of six members appointed by the Governor of whom—

(a) one, who shall be the chairman of the board, shall be the person for the time being holding the office of Surveyor-General;

(b) one shall be the person for the time being holding the office of Chief Draftsman in the Department of Lands;

3.

- (c) one shall be the person for the time being holding the office of Curator of Anthropology in the Museum Department or a person nominated by him;
- (d) one shall be the person for the time being holding the office of State Librarian or a person nominated by him;
- (e) one shall be the chairman of the *South Australian Planning Commission* or a person nominated by him;

and

- (f) one shall be a person who is, in the opinion of the Governor, experienced in matters pertaining to nomenclature, nominated by the Local Government Association.

(3) If for any reason a member of the board is unable or fails to act in his capacity as a member of the board, the Governor may appoint a suitable person to be a deputy of the member, and such a person, whilst so acting, shall be deemed to be a member of the board and shall have all the powers, authorities, duties and obligations of the member of whom he was appointed a deputy.

(4) The office of an *ex officio* member shall become vacant if the member ceases to hold the office by virtue of which he was entitled to be appointed a member of the board.

(5) A nominated member shall be appointed for a term of office, specified in the instrument of his appointment, not exceeding three years, but upon the expiration of a term of appointment, he shall be eligible for re-appointment.

(6) The Governor may, for any reason that, in his opinion, justifies the removal of a nominated member from office, remove that member from office.

(7) The office of a nominated member shall become vacant if—

- (a) he dies;
- (b) his term of office expires;
- (c) the person by whom he was nominated ceases to hold the office by virtue of which he was entitled to nominate him;
- (d) he resigns by written notice addressed to the Governor;
- (e) he attains the age of sixty-five years;

or

- (f) he is removed from office under subsection (6) of this section.

(8) The Governor shall, in accordance with this Act, make such appointments as are necessary to maintain the membership of the board.

Quorum, etc.

4. (1) Three members of the board shall constitute a quorum of the board and no business shall be transacted at a meeting unless a quorum is present.

(2) A decision carried by a majority of the votes cast by the members present at a meeting of the board shall be a decision of the board.

(3) The chairman shall preside at a meeting of the board and, in addition to a deliberative vote shall, in the event of an equality of votes, have a second or casting vote.

(4) In the absence of the Surveyor-General from a meeting of the board, the Deputy Surveyor-General shall act as, and have all the powers of the chairman, and when so acting, shall be deemed to be a member, and the chairman, of the board.

(5) The proceedings of the board may, subject to this Act, be conducted in any manner that the board thinks fit.

Validity of proceedings, etc.

5. (1) An act or proceeding of the board shall not be invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the board, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No liability shall attach to a member of the board for an act or omission by him or by the board in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge or purported discharge of his or its duties under this Act.

Secretary

6. (1) There shall be a secretary to the board appointed by the Governor.

(2) The person so appointed shall be subject to the *Public Service Act, 1967*.

(3) The office of secretary to the board may, if the Governor thinks fit, be held in conjunction with any other office in the public service of the State.

Board may receive assistance and advice

7. (1) With the approval of the Minister, the board may in the exercise or discharge of its functions or obligations under this Act request the assistance or advice of such persons as it deems expedient.

(2) A person who, at the request of the board, has assisted or advised the board in the exercise or discharge of its functions or obligations under this Act, shall be entitled to such remuneration, allowances and expenses as may be determined by the board and approved by the Minister.

Names of places within metropolitan area

8. (1) The names respectively assigned to the places delineated as suburbs on Parliamentary Plan No. 336, dated the thirtieth day of August, 1968, signed by the Surveyor-General, and deposited in the Office of the Surveyor-General at Adelaide shall, subject to alteration or discontinuance in accordance with this Act, be the geographical names of the suburbs of the metropolitan area.

(2) The Surveyor-General shall, upon payment of the prescribed fee, furnish any person with a copy of the plan referred to in subsection (1) of this section.

Assignment of geographical names

9. (1) If the board is satisfied that the recorded name of a place is a name that is by common usage assigned to that place, and that there are no variants of that name, or other names, that are by common usage assigned to that place, the board may, by notice published in the *Gazette*, declare that name to be the geographical name of that place, and the name shall thereupon become and be the geographical name of the place.

(2) Except where a geographical name is assigned to a place under subsection (1) of this section, whenever the board proposes to assign a geographical name to a place or to alter the geographical name of a place, it shall cause to be published in the *Gazette* and in a newspaper circulating in the neighbourhood of that place, a notice in a form approved by the Minister setting out the geographical name that the board proposes to assign to the place, or the alteration that the board proposes to make to the geographical name of the place, together with a description of the place.

(3) A person may, by instrument in writing served personally or by post upon the secretary to the board within one month of the publication of a notice under subsection (2) of this section, object to the assignment of the geographical name mentioned in the notice to the place therein mentioned, or to the alteration of the geographical name as set out in the notice.

(4) An instrument under subsection (3) of this section shall set out, in detail, the grounds upon which the objector objects to the geographical name or the alteration thereto.

(5) The board shall consider all objections (if any) made under this section and after such consideration shall recommend to the Minister—

(a) that the geographical name or alteration thereto set out in the notice published under subsection (2) of this section should be adopted;

or

(b) that the geographical name or alteration thereto set out in the notice published under subsection (2) of this section should not be adopted.

(6) Where the board recommends to the Minister that a geographical name or alteration thereto should be adopted notwithstanding that objection has been made, the board shall supply the Minister with a written summary of the grounds whereon the objection was based.

Implementation of board's recommendation

10. (1) If the board, after considering all objections (if any) made under section 9 of this Act, has recommended to the Minister that a geographical name should be assigned to a place or that the geographical name of a place should be altered, the Minister may cause notice of that recommendation to be published in the *Gazette* whereupon—

(a) the geographical name recommended by the board shall become and be the geographical name of the place;

or

- (b) the geographical name as altered in accordance with the recommendation of the board shall become and be the geographical name of the place, and a geographical name previously assigned to the place shall cease to be the geographical name of the place.

(2) The Minister may, on the recommendation of the board, declare, by notice published in the *Gazette*, that a name shall be discontinued as the geographical name of a place referred to in the notice, and thereupon that name shall cease to be the geographical name of the place to which it was assigned.

Board to conduct certain investigations, etc.

11. (1) The board may investigate and determine the form, spelling, meaning, origin or history of any name assigned to any place and the application and usage thereof.

(2) The board shall enquire into and make recommendations on any matters relating to the names assigned or to be assigned to any place, referred to it by the Minister.

Gazetteer

12. The board shall, from time to time, compile and cause to be published a gazetteer of geographical names containing such information in relation thereto as the board may determine.

Delegation

13. (1) The board may delegate to the chairman any of its powers and functions under sections 11 and 12 of this Act.

(2) Any delegation under subsection (1) of this section shall be revocable at will, and shall not prevent the exercise of any power or the performance of any function by the board.

Offences

14. (1) A person shall not publish or cause to be published any book, manual, pamphlet, guide, map or other document in which a name, other than the geographical name of a place to which a geographical name has been assigned and is in force under this Act at the time of publication, is represented, specifically or by implication, as being the name of that place at the time of publication.

Penalty: One hundred dollars.

(2) A person shall not in any public advertisement or notice identify, or refer to, any place to which a geographical name has been assigned otherwise than by its geographical name, or a description that includes its geographical name.

Penalty: One hundred dollars.

Certain places not to be named without approval

15. (1) The board may, by instrument in writing, approve a name to be assigned to—

- (a) any hospital, school, college or educational institution established, or to be established, after the commencement of this Act;
- (b) any area that is, after the commencement of this Act, subdivided or re-subdivided for residential purposes, or that is to be so subdivided or re-subdivided;

and

- (c) any other place or type or kind of place that the board, by notice published in the *Gazette*, specifies as a place, or type or kind of place, the name of which is required to be approved under this section.

(2) A person shall not erect or cause to be erected any sign, or publish or cause to be published any advertisement, notice or other writing that purports to bear or contain the name of a place or a place of a type or kind specified in subsection (1) of this section or a notice under that subsection, which name has not been approved by the board.

Penalty: One hundred dollars.

This Act not to affect rights and liabilities

16. (1) Nothing in this Act and nothing done pursuant to this Act shall affect the operation or validity of any instrument or agreement whereby rights or liabilities are created or imposed.

(2) Nothing in this Act imposes any obligation upon, or otherwise affects, or applies to, the Registrar.

Act not to apply to certain places

17. This Act shall not apply to or in relation to the name of—

- (a) any municipality, district or ward constituted or established under the *Local Government Act, 1934-1969*;
- (b) any electoral district, division or subdivision established under the *Constitution Act, 1934-1969*, or the *Electoral Act, 1929-1969*;
- (c) any road or street;

or

- (d) any place, or place of a type or kind, that the Governor declares by proclamation (which he is hereby empowered to do) to be exempt from the provisions of this Act.

Report

18. (1) The board shall, as soon as practicable after the thirtieth day of June in each year, cause a report in writing on the business transacted by the board during the year ended on that day, to be prepared and forwarded to the Minister.

(2) The Minister shall cause a copy of the report to be laid before Parliament within seven days after his receipt thereof if Parliament is then in session, or if Parliament is not then in session, within seven days after the commencement of the next succeeding session of Parliament.

Financial provision

19. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Proceedings for offences

20. (1) Proceedings for offences against this Act shall not be commenced without the consent of the Minister and shall be disposed of summarily.

(2) The consent of the Minister for the commencement of any such proceedings shall be sufficiently proved by the production of an apparently genuine document purporting to be signed by the Minister and to record that consent.

Regulations

21. The Governor may make all such regulations as he deems necessary or expedient for the purposes of this Act, and, without limiting the generality of the foregoing, regulations—

- (a) prescribing, and providing for the payment of, any fees to be paid by any person under this Act;
- (b) prescribing the form of any document or notice required for the purposes of this Act;
- (c) prescribing the times and places at which the board shall, or may, conduct its proceedings;

and

- (d) prescribing the procedure that the board shall, or may, adopt in conducting its proceedings.

APPENDIX

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 4 of The Public General Acts of South Australia 1837-1975 at page 434.

Section 2: definition of "the metropolitan area" substituted by 62, 1982, s. 3(4) (Sched. Part IV)

Section 3(2): amended by 62, 1982, s. 3(4) (Sched. Part IV)