



Place Names Act 1994

Reprinted as in force on 15 December 1999

Reprint No. 1A*

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the Office of the Queensland Parliamentary Counsel
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* Minor differences in presentation between this reprint and another reprint with the same number are due to the conversion to new styles. The content has not changed.

Information about this reprint

This Act is reprinted as at 15 December 1999. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Place Names Act 1994

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Place Names Act 1994

[as amended by all amendments that commenced on or before 15 December 1999]

An Act about the naming of places

Part 1 Preliminary

1 Short title

This Act may be cited as the *Place Names Act 1994*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Definitions

In this Act—

approved name of a place means the name appearing in the Gazetteer as the name of the place.

excluded place means a place prescribed by regulation under section 4(2)(g).

executive officer of a corporation means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

Gazetteer means the Gazetteer of Place Names.

place see section 4.

place naming issues see section 6.

publish includes show in public and distribute to the public.

stated place naming issue means a place naming issue mentioned in section 6(2).

trade or commerce includes—

- (a) a business or professional activity; and
- (b) a single transaction for the sale of property.

4 Place

- (1) A *place* is an area or geographical feature (whether natural or artificial).
- (2) However, a *place* does not include—
 - (a) a road within the meaning of the *Transport Operations (Road Use Management Act) 1995*; or
 - (b) a canal associated with a residential or commercial development; or
 - (c) a building or similar structure; or
 - (d) a dam wall or similar structure; or
 - (e) a local government area or a division or ward of a local government area; or
 - (f) an electoral district under the *Electoral Act 1992*; or
 - (g) another place prescribed by regulation.

5 Act binds all persons

This Act binds all persons, including the State, and, so far as the legislative power of the Parliament permits, the Commonwealth and the other States.

Part 2 **Naming of places**

Division 1 **Procedures**

6 **Place naming issues**

- (1) *Place naming issues* are issues relevant to the naming of places.
- (2) Without limiting subsection (1), *place naming issues* include—
 - (a) community views; and
 - (b) the cultural and historical significance of places and names; and
 - (c) Aboriginal tradition and Island custom; and
 - (d) the appropriateness of a place having more than a single name; and
 - (e) commonly known names of places; and
 - (f) the extent of use of a name for a place; and
 - (g) the length of time a name has been used for a place; and
 - (h) topography; and
 - (i) guidelines and conventions set by intergovernmental or international committees having functions about the naming of places; and
 - (j) the avoidance of confusion about names or the location of places.
- (3) The issue mentioned in subsection (2)(d) is relevant only in the application of an issue mentioned in subsection (2)(b) or (c).

7 **Powers of Minister**

- (1) The Minister may—
 - (a) give a name to a place; or
 - (b) change the approved name of a place; or

- (c) discontinue the use of the approved name of a place.
- (2) The exercise of a power by the Minister is subject to the following sections—
- section 8 (Development of place name proposal)
 - section 9 (Notice of place name proposal)
 - section 11 (Decision about proposal).

8 Development of place name proposal

- (1) Before exercising a power mentioned in section 7, the Minister must develop a proposal about the place's name.
- (2) In developing the proposal, the Minister may have regard to any place naming issues the Minister considers appropriate (including, in particular, the stated place naming issues).

9 Notice of place name proposal

- (1) The Minister must publish a notice of the proposal, unless publication is not required because of section 10.
- (2) The notice—
- (a) must be published in the Gazette and a newspaper circulating generally in the area of the place to which the proposal relates; and
 - (b) may be published in another way the Minister considers appropriate.
- (3) The notice must—
- (a) describe the place to which the proposal relates; and
 - (b) state the proposal; and
 - (c) invite written submissions about the proposal from interested persons, groups of persons and bodies; and
 - (d) specify a day by which submissions are to be made; and
 - (e) specify an address where submissions may be sent.
- (4) The day specified in the notice must be a day not earlier than 2 months after publication of the Gazette notice about the proposal.

10 Dispensing with publication of proposal

- (1) The Minister is not required to publish a notice of the proposal if the Minister is satisfied that publication of the proposal is not justified because of—
 - (a) the nature of the proposal; and
 - (b) the likelihood that the proposal would generate no community interest, or no significant community interest, if it were published.
- (2) In applying subsection (1)(a), the Minister may, in particular, have regard to whether the proposal deals only with a minor or technical issue.
- (3) In applying subsection (1)(b), the Minister may, in particular, have regard to the location of the place to which the proposal relates, including, for example, whether it is in a remote or sparsely populated area.
- (4) In subsection (1)(b), a reference to community interest includes a reference to the interest of a particular community, including, for example, a community or group of Aboriginal people or Torres Strait Islanders.

11 Decision about proposal

- (1) In exercising a power mentioned in section 7 about the proposal, the Minister may have regard to—
 - (a) any place naming issues the Minister considers appropriate (including, in particular, the stated place naming issues); and
 - (b) if notice of the proposal was published under section 9—any submissions properly made about the proposal.
- (2) The Minister's decision about the proposal—
 - (a) must be published in the Gazette and a newspaper circulating generally in the area of the place to which the proposal relates; and
 - (b) may be published in another way the Minister considers appropriate.

Division 2 Gazetteer of Place Names

12 Gazetteer of Place Names

- (1) The chief executive must keep the Gazetteer of Place Names.
- (2) The Gazetteer may be kept by computer.

13 Inspection of Gazetteer

- (1) The chief executive must ensure the Gazetteer is available for inspection by members of the public during normal business hours at the department's head office and other places the chief executive considers appropriate.
- (2) A person may inspect, or obtain a copy of part or all of, the Gazetteer if the person pays the fee fixed under subsection (3).
- (3) The fee must be an amount that—
 - (a) the chief executive considers to be reasonable; and
 - (b) is not more than the reasonable cost of providing for the inspection or making the copy.

14 Entries in Gazetteer

- (1) If the Minister gives a name to a place, the chief executive must enter the name of the place in the Gazetteer.
- (2) If the Minister changes the approved name of a place, the chief executive must amend the Gazetteer to show the name of the place after the change.
- (3) If the Minister discontinues the use of the approved name of a place, the chief executive must omit the name of the place from the Gazetteer.
- (4) The chief executive may include in, or omit from, the Gazetteer—
 - (a) a name of an excluded place; and
 - (b) other details the chief executive considers appropriate (whether or not the details are about an excluded place).

- (5) The chief executive must comply with subsection (1), (2) or (3) as soon as practicable after the decision is made by the Minister.

Part 3 Offences and proceedings

15 Publishing unapproved place name

- (1) A person must not, in trade or commerce—
- (a) publish a document; or
 - (b) authorise the publication in a document of an advertisement or statement;
- in which a name that is not an approved name of a place is represented as the place's name.
- Maximum penalty—100 penalty units.
- (2) Subsection (1) does not apply—
- (a) if it is clear from the document, advertisement or statement that the name is not the approved name of the place or the place does not have an approved name; or
 - (b) if the document is a newspaper printed under the *Printing and Newspapers Act 1981*—to the printer or publisher of the newspaper.

16 Responsibility for acts or omissions of representatives

- (1) In this section—
- representative* means—
- (a) of a corporation—an executive officer, employee or agent of the corporation; or
 - (b) of an individual—an employee or agent of the individual.
- state of mind* of a person includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) Subsections (3) and (4) apply in a proceeding for an offence against this Act.
- (3) If it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—
- (a) the act was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the state of mind.
- (4) An act done or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person proves the person took all reasonable steps to prevent the act or omission.

17 Executive officers must ensure corporation complies with Act

- (1) The executive officers of a corporation must ensure the corporation complies with this Act.
- (2) If a corporation commits an offence against a provision of this Act, each of the corporation's executive officers also commits an offence, namely, the offence of failing to ensure the corporation complies with the provision.

Maximum penalty—100 penalty units.

- (3) Evidence that a corporation has been convicted of an offence against a provision of this Act is evidence each of the corporation's executive officers committed the offence of failing to ensure the corporation complies with the provision.
- (4) However, it is a defence for an executive officer to prove—
- (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—that the

officer took all reasonable steps to ensure the corporation complied with the provision; or

- (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

- (5) In this section—

convicted of an offence means that the corporation has been found guilty of the offence, on a plea of guilty or otherwise, whether or not a conviction was recorded.

18 Evidentiary provisions

- (1) This section applies to a proceeding under this Act.
- (2) A signature purporting to be the signature of the chief executive is evidence of the chief executive's signature.
- (3) A certificate purporting to be signed by the chief executive and stating any of the following matters is evidence of the matter—
- (a) on a stated day, or during a stated period, a stated name appeared, or did not appear, in the Gazetteer as the name of a place;
- (b) a document is a copy of the Gazetteer or a copy of part of the Gazetteer;
- (c) the boundaries of a place that has an approved name.

Part 4 Miscellaneous

19 Protection from liability

- (1) In this section—

official means—

- (a) the Minister; or
- (b) the chief executive; or

- (c) a person acting under the direction of the Minister or chief executive.
- (2) An official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- (3) If subsection (2) prevents a civil liability attaching to an official, the liability attaches instead to the State.

20 Delegation by chief executive

The chief executive may delegate the chief executive's powers under this Act to an officer of the public service.

21 Regulation making power

The Governor in Council may make regulations under this Act.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 15 December 1999. Future amendments of the Place Names Act 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	1 March 1995	10 March 1995
1A	1999 Act No. 42	1 December 1999	15 December 1999

5 List of legislation

Place Names Act 1994 No. 57

date of assent 4 November 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 1995 (1995 SL No. 38)

amending legislation—

Road Transport Reform Act 1999 No. 42 ss 1–2(1), 54(3) sch pt 3

date of assent 2 September 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1999 (see s 2(1))

6 List of annotations

Place

s 4 amd 1999 Act No. 42 sch pt 3

PART 5—TRANSITIONAL PROVISIONS AND REPEALS

pt hdg exp 1 March 1996 (see s 28(2))

Definition

s 22 exp 1 March 1996 (see s 28(2))

Continuation of place naming action

s 23 exp 1 March 1996 (see s 28(2))

Entries in Gazetteer about continued place naming action

s 24 exp 1 March 1996 (see s 28(2))

Entries in Gazetteer of previously approved place names

s 25 exp 1 March 1996 (see s 28(2))

Gazetteer

s 26 exp 1 March 1995 (see s 28(1))

Repeal of Queensland Place Names Act 1988

s 27 exp 1 March 1995 (see s 28(1))

Expiry of part

s 28 exp 1 March 1996 (see s 28(2))