



# Place Names Act 1994

Current as at [Not applicable]

## Indicative reprint note

This is an **unofficial** version of a reprint of this Act that incorporates all proposed amendments to the Act included in the Land and Other Legislation Amendment Bill (No. 2) 2023. This indicative reprint has been prepared for information only—***it is not an authorised reprint of the Act.***

The point-in-time date for this indicative reprint is the introduction date for the Land and Other Legislation Amendment Bill (No. 2) 2023—15 November 2023.

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Queensland

# Place Names Act 1994

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# Place Names Act 1994

## An Act about the naming of places

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### 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 a name appearing in the Gazetteer as the name of the place.

*excluded place* see section 4(2).

*existing name*, of a place, see section 8(3).

*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.

*Queensland government website* see the *Financial Accountability Act 2009*, section 88F(7).

**regional newspaper** see the *Financial Accountability Act 2009*, section 88H(2).

**relevant website**, for publishing a notice relating to a place, means—

- (a) the department's website; or
- (b) a Queensland government website; or
- (c) another website the Minister considers appropriate, having regard to the nature of the information contained in the notice.

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

#### 4 **Meaning of *place* and *excluded place***

- (1) A **place** is an area or geographical feature (whether natural or artificial) other than an excluded place.
- (2) An **excluded place** is—
  - (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 division or ward of a local government area; or
  - (f) a place given a name under another law of the State or the Commonwealth; or

*Examples for paragraph (f)—*

- a port, an electoral district, a local government area
- (g) another place prescribed by regulation.

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**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* for the naming of a place include—
  - (a) Aboriginal tradition and Island custom; and
  - (b) the appropriateness of a place having more than 1 name; and
  - (c) government initiatives or policies relating to place names; and
  - (d) the cultural and historical significance of places and names; and
  - (e) community views; and

*Examples—*

- the community considers an approved place name should be changed because it is offensive or harmful to the community
  - the community supports an approved place name that honours an event or person
- (f) the appropriateness of a name for a place, having regard to—

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- (i) the location, population, size and topography of the place; and

*Example—*

the place is in a remote or sparsely populated area

- (ii) the use of a name for a place; and

*Example—*

the length of time or extent of use of a name for the place

- (iii) the avoidance of confusion about the names or location of places; and

- (iv) guidelines and conventions set by intergovernmental or international committees having functions about the naming of places; and

- (g) socio-economic effects of giving a name to a place or changing or discontinuing an approved name of a place; and

*Example—*

the likely costs to businesses and members of the community resulting from a change to an approved name of a place

- (h) requirements to comply with other Acts, including, for example, the *Human Rights Act 2019* and the *Anti-Discrimination Act 1991*.

## **7 Powers of Minister**

- (1) The Minister may—
  - (a) give a name to a place; or
  - (b) change an approved name of a place; or
  - (c) discontinue an approved name of a place.
- (2) Subsection (1) is subject to sections 8, 9, 10A and 11.
- (3) To remove any doubt, it is declared that for subsection (1)(b), a change to the boundary of an area to which an approved name relates resulting in a change to the approved name for

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any part of the area is a change to an approved name of a place.

## **8 Development of place name proposal**

- (1) The chief executive may develop a proposal about the name of a place.
- (2) In developing the proposal, the chief executive—
  - (a) must have regard to the stated place naming issues; and
  - (b) may have regard to any other place naming issues the chief executive considers appropriate.
- (3) Also, if the proposal relates to changing or discontinuing an approved name of a place (an *existing name*), in developing the proposal the chief executive must consider whether it would be appropriate to continue the existing name as an approved name of the place in addition to any other approved names of the place for a period of up to 5 years.
- (4) In considering the matter under subsection (3), the chief executive—
  - (a) must have regard to—
    - (i) the stated place naming issues mentioned in section 6(2)(e), (f)(i), (g) and (h); and
    - (ii) the public interest; and
  - (b) may have regard to any other place naming issues.

## **9 Notice of place name proposal**

- (1) The chief executive 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 in at least 1 of the following ways—
    - (i) on a relevant website;

- (ii) in an electronic version of a newspaper;
  - (iii) in a regional newspaper circulating generally in the area of the place to which the proposal relates; and
- (b) may be published in another way the chief executive considers appropriate.
- (3) The notice must—
  - (a) describe the place to which the proposal relates; and
  - (b) state the proposal; and
  - (c) invite 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 at least 1 month after the day the notice is published in the gazette.

## **10 When publication of place name proposal is not required**

- (1) This section applies in relation to a proposal about a place name if the chief executive is satisfied—
  - (a) the proposal relates only to a minor or technical matter; or
  - (b) the proposal relates to the changing or discontinuing of an approved name that—
    - (i) is distressing to a community or part of the community, including, for example, a community or group of Aboriginal people or Torres Strait Islander people, having regard to the historical or cultural significance of the approved name; or
    - (ii) is derogatory, racist or sexist; or
  - (c) the proposal is not likely to be of substantial interest to the community or any particular part of the community; or

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- (d) if the proposal has already been subject to public consultation—
    - (i) the public consultation was adequate; or
    - (ii) further public consultation is likely to cause substantial distress to the community or part of the community, including, for example, a community or group of Aboriginal people or Torres Strait Islander people.
  - (2) The chief executive need not comply with section 9 in relation to the proposal before making a recommendation to the Minister under section 10A.

#### **10A Recommendation to Minister**

- (1) After complying with sections 8 to 10, the chief executive must make a recommendation to the Minister about the proposal.
- (2) The recommendation must include—
  - (a) a brief summary of the place naming issues considered by the chief executive in developing the proposal; and
  - (b) if the proposal is to change or discontinue an approved name of the place—
    - (i) whether the chief executive considers the existing name should continue as an approved name of the place as mentioned in section 8(3); and
    - (ii) if the chief executive considers the existing name should continue as an approved name of the place—the period of up to 5 years during which the chief executive considers the existing name should continue as an approved name; and
  - (c) if notice of the proposal was published under section 9—a brief summary of the submissions, if any, received by the chief executive; and

- (d) if notice of the proposal was not published because of section 10—reasons for the chief executive’s decision not to publish a notice of the proposal.

### **10B Minister may require publication of proposal**

- (1) This section applies if—
  - (a) a notice of the proposal was not published because of section 10; and
  - (b) the Minister considers it would be appropriate, for any reason, to publish the notice before a decision is made under section 11.
- (2) The Minister may ask the chief executive to comply with section 9 in relation to the proposal.
- (3) The chief executive must—
  - (a) comply with the Minister’s request; and
  - (b) make a new recommendation to the Minister under section 10A about the proposal.

### **11 Decision about proposal**

- (1) The Minister must not exercise a power mentioned in section 7 until—
  - (a) the chief executive has given a recommendation to the Minister under section 10A; and
  - (b) if the Minister has, under section 10B, requested the publication of the proposal —the chief executive has complied with the request.
- (2) In exercising a power mentioned in section 7 about the proposal, the Minister—
  - (a) must have regard to the stated place naming issues; and
  - (b) may have regard to any other place naming issues the Minister considers appropriate; and

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- (c) may have regard to the recommendation made by the chief executive under section 10A.
- (3) If the Minister decides to exercise a power under section 7 to change or discontinue an existing name, the Minister may state in the decision a period of up to 5 years after the day the decision takes effect during which the existing name continues to be an approved name for the place in addition to any other approved name of the place.
- (4) In deciding whether to state a period under subsection (3), the Minister—
- (a) must have regard to—
- (i) the stated place naming issues mentioned in section 6(2)(e), (f)(i), (g) and (h); and
  - (ii) the public interest; and
  - (iii) the recommendation made by the chief executive under section 10A(2)(b); and
- (b) may have regard to any other place naming issues.
- (5) The Minister—
- (a) must publish a gazette notice stating the decision, including the day any period stated in the decision under subsection (3) ends; and
- (b) must publish the decision in at least 1 of the following ways—
- (i) on a relevant website;
  - (ii) in an electronic version of a newspaper;
  - (iii) in a regional newspaper circulating generally in the area of the place to which the proposal relates; and
- (c) may publish the decision in another way the Minister considers appropriate.
- (6) The decision takes effect on the day stated in the gazette notice.

**11A Minister may extend period for existing name to continue as approved name**

- (1) This section applies if the Minister considers it would be appropriate to extend the period stated in a decision under section 11(3), having regard to the matters stated in section 11(4).
- (2) Before the period stated in the decision ends, the Minister may decide to extend the period (an *extension decision*) by no more than 5 years after the period ends.
- (3) The Minister—
  - (a) must publish a gazette notice stating the extension decision, including the day the extended period ends; and
  - (b) must publish the extension decision in at least 1 of the following ways—
    - (i) on a relevant website;
    - (ii) in an electronic version of a newspaper;
    - (iii) in a regional newspaper circulating generally in the area of the place to which the proposal relates; and
  - (c) may publish the extension decision in another way the Minister considers appropriate.
- (4) The extension decision takes effect on the day stated in the gazette notice.
- (5) The period stated in the decision made under section 11(3) may be extended only once under this section.

**Division 2                      Gazetteer of Place Names**

**12                      Gazetteer of Place Names**

- (1) The chief executive must keep the Gazetteer of Place Names.
- (2) The chief executive must publish the Gazetteer on a Queensland government website.

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## 14 Entries in Gazetteer

- (1) If the Minister gives a name to a place, the chief executive must—
  - (a) enter the name of the place in the Gazetteer; and
  - (b) include in the entry the boundaries or coordinates, or a description of the document that states the boundaries or coordinates, of the place to which the approved name relates.
- (2) If the Minister changes an approved name of a place, including by changing the boundaries or coordinates of the place to which the approved name relates, the chief executive must amend the Gazetteer to show the change.
- (3) If the Minister discontinues an approved name of a place, the chief executive must omit the name of the place from the Gazetteer.
- (4) The chief executive must comply with subsection (1), (2) or (3)—
  - (a) if the Minister’s decision under section 11 is to take effect on a stated day—on the stated day; or
  - (b) otherwise—as soon as reasonably practicable after the decision is made by the Minister.
- (5) However, if the Minister states a period in the decision under section 11(3) for the continuation of an existing name as an approved name of a place, or extends the period under section 11A, the chief executive must—
  - (a) keep the existing name in the Gazetteer as one of the approved names of the place until the period or extended period ends; and
  - (b) omit the name of the place from the Gazetteer on the day the period or extended period ends.

### 14A Power of chief executive to amend Gazetteer

- (1) The chief executive may amend the Gazetteer at any time to include—



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- (a) if it is clear from the document, advertisement or statement that the name is not an 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; or
  - (c) if the name is part of a business name.
- (3) In this section—
- trade or commerce* includes—
- (a) a business or professional activity; and
  - (b) a single transaction for the sale of property.

## 16 Responsibility for acts or omissions of representatives

- (1) This section applies in a proceeding for an offence against this Act.
- (2) 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.
- (3) 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.
- (4) In this section—

*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.

*representative* means—

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- (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.

## **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.

## **18A Rights or obligations not affected**

- (1) The giving of a name to a place or the changing or discontinuing of an approved name of a place under this Act does not affect a right or obligation of any person.
- (2) A legal proceeding may be started or continued in relation to the former or discontinued approved name of a place despite the exercise of a power under section 7.

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## 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.

### 19A Delegation by Minister

The Minister may delegate the Minister's functions or powers under this Act to another Minister.

### 20 Delegation by chief executive

The chief executive may delegate the chief executive's functions or powers under this Act to—

- (a) the chief executive of another department; or
- (b) the chief executive officer of a local government; or
- (c) an appropriately qualified public service officer.

### 21 Regulation making power

The Governor in Council may make regulations under this Act.

## **Part 5**

# **Transitional provisions for Land and Other Legislation Amendment Act (No. 2) 2023**

### **22 Existing proposals**

- (1) This section applies if—
  - (a) a proposal about a name of a place was developed by the Minister before the commencement; and
  - (b) immediately before the commencement a decision about the proposal had been not made.
- (2) The Act, as in force immediately before the commencement, continues to apply to the proposal as if the *Land and Other Legislation Amendment Act (No. 2) 2023* had not been enacted.

### **23 Application of s 18A**

Section 18A applies in relation to the giving of a name to a place or the changing or discontinuing of an approved name of a place, whether the giving of the name, change or discontinuation happened before or after the commencement.