

## DRAFT SECOND READING SPEECH

HON GUY BARNETT MP

### *Place Names Bill 2019*

*\*check Hansard for delivery\**

I move that the Bill be now read a second time.

Madam Speaker, I am pleased to bring this Bill to the House as the Hodgman Government continues to implement its legislative agenda.

Place names are vitally important reference points for all members of society. From natural features such as rivers and mountains, to localities, streets and reserves, place names are the most common way that people identify geographical locations, and they are fundamental to property addressing, emergency services activities and of course cartographic and navigation products.

The Government recognises that place names were in existence prior to European settlement, and that Aboriginal people used place names to identify geographic features and places, and continue to do so.

This Bill provides for the establishment of a new *Place Names Act* to introduce contemporary place naming processes and the repeal of outmoded clauses pertaining to Nomenclature in the *Survey Coordination Act 1944*

Whilst the existence and use of place names is taken for granted in everyday life, the importance of rigorous processes for assigning appropriate and authoritative names to natural and manmade features generally goes unnoticed.

Tasmania's current system for the official naming of places was established more than 60 years ago, and whilst minor amendments have been made to the *Survey Co-ordination Act 1944* over the years, those provisions remain largely unchanged, and do not provide for contemporary digital data management, different administrative arrangements, and community expectations with respect to consultation and representation.

Prior to preparation of the Bill, two rounds of community and stakeholder consultation were undertaken, with strong support exhibited for the proposed changes. The draft Bill has also been circulated to stakeholders and additional personal briefings were arranged to ensure proper understanding of the new provisions.

The Bill provides for a number of key elements:

The first is the replacement of the Nomenclature Board with a new Minister-appointed Place Names Advisory Panel chaired by the Surveyor General. The Panel will consist of the Surveyor General as Chair, a senior spatial data and mapping officer from the Department, a person nominated by the Director of the Parks and Wildlife Service, a person nominated by the Local Government Association of Tasmania, a community member with knowledge and experience in outdoor recreation, and up to two community members with knowledge and experience in heritage or historical matters, and linguistics.

Additional members can be appointed by the Minister as prescribed by Regulation. Other than the Surveyor General and the Senior Departmental officer, all other members of the Panel are appointed by the Minister.

The new Panel will overcome the constraints imposed by the current legislation, whereby members of the Board were assigned by outdated Departmental names, and where the appointment process was unnecessarily cumbersome. The inclusion of additional members from the community will ensure wide experience is available in the assessment of new naming proposals.

The second key element is the establishment of a Place Names Register, and the appointment of a Registrar to administer it. An entry in the Register is to include each approved name for a place, and include the location, boundaries or extent of the approved place.

The Register may also include for information purposes the names of areas and features that are not required to have approved names, or that have been named under other Acts. The Register will be in an electronic format or as otherwise determined by the Surveyor General, and will be made available to the public via a web portal.

The Registrar is to be appointed by the Secretary of the Department, and is to maintain and make available the Guidelines, about which I shall elaborate shortly, and to maintain the Register of Place Names. The Registrar is to make entries in the Register as names are approved, and is to make amendments when alterations are approved.

The Registrar is empowered to make minor amendments to the Register such as typographical corrections or minor changes to the extent of a place when there is no impact on community use or expectation around that place.

The third element is that the Minister will assign place names, not including street and road names upon the recommendation of the Place Names Advisory Panel. After considering the Panel's recommendations, the Minister may either approve the recommendation, which may be to assign

or alter, or revoke a name, or refuse to accept the Panel's recommendation in which case the Minister may request that the Panel reconsider the matter and make a new recommendation.

In respect to names approved by the Minister the name is official once the Minister makes his or her decision, and the approved name is reflected in the Register and made publicly available. The Registrar may then cause a notice to be published in the *Gazette* specifying the details of the decision.

As mentioned, another key element of the Bill is to provide for the Minister to endorse the issue of Guidelines that will provide comprehensive documentation about the principles, practices and processes for construction and submission of place names, and which will reference and comply with the provisions of the Aboriginal and Dual Naming Policy in force at the time.

The Guidelines will provide for more flexible consultation and objection processes, proportionate to the significance of the specific naming issue, and will specify the persons responsible for proposing certain names, and set out their responsibilities. The Guidelines will be made publicly available in an electronic format and will be reviewed regularly.

The next element is to clarify the definition and scope of the term 'place'. This section ensures that ambiguity in the definition of Place is removed and that definitions are consistent with the manner in which other jurisdictions describe them.

The Bill also clarifies the responsibilities for the naming of roads and streets, properly giving responsibility to the relevant road authority.

The Responsible Authority, such as a Council, is the authority that has naming responsibility for the road or street. In accordance with the Guidelines, the Responsible Authority may name the road or street, alter or revoke the name of a road or street, or amend the extent of a road or street.

These actions may be made by the Responsible Authority so long as it complies with the relevant provisions of the Guidelines, and the Act, and the relevant procedures of the Responsible Authority.

Once an acceptable naming decision is received from a Responsible Authority by the Registrar, an entry is to be made in the Register to reflect that action. At this point such a naming action is taken to be an approved name.

The Registrar may only refuse a submission from a Responsible Authority under this section if the naming action does not comply with the Guidelines, or if the proposed name is the same as an approved name for another place.

If the Registrar is unable to resolve a suitable naming submission with the Responsible Authority, the Registrar is to submit the naming action to the Panel for consideration, and then the matter proceeds as earlier described for other naming proposals, including that the Panel makes a recommendation to the Minister for a decision.

This section empowers local government in particular, and removes red tape from the current processes where some Councils have only partial authority over street and road naming. Importantly, this section will allow road names to be approved earlier in a development cycle, which will facilitate early assignment of addresses to new properties.

That will mean that when titles are issued, new owners will not be faced with delays in connecting utility services such as electricity and telecommunications, which can occur at present due to the delay in addresses being assigned.

The Bill introduces provisions for penalties to apply if the names of places are deliberately misrepresented. This is a provision that has not been present in Tasmania before but is present in other Australian and New Zealand jurisdictions.

This section provides that a person must not in a document, brochure, map, notice or advertisement identify a place that is not the approved name for the place if the person knows or reasonably ought to know that such identification is likely to, or has the capacity to, mislead or deceive another person. This includes if the person deliberately represents that a place has an approved name when there is no approved name for the place.

The penalty provisions are in terms of a fine not exceeding 50 penalty units for a body corporate, and not exceeding 20 penalty units for an individual.

Further fines are available for each day during which the offence continues. This provision is not intended to apply to circumstances where a portion of an approved name is used, such as when an Aboriginal or Dual name such as *kunanyi* – Mount Wellington is used.

In accordance with the Aboriginal and Dual Naming Policy recently revised by the Government, either or both names in this example are permitted without sanction. An example of deliberate misrepresentation of a name is when a party may suggest a lot for sale is in one locality, when it is in fact in another.

This has the potential to mislead a potential purchaser, and may have consequences for their future development plans, bank loans and insurance considerations.

As well as penalties, the Bill provides for the Panel to issue Warning Notices on a person if the Panel reasonably believes that the person has committed an offence under the Act. Additionally, the Bill provides for the Surveyor General or the Chairperson to issue Infringement Notices if

the Surveyor General or the Chairperson reasonably believes that a person has committed an infringement offence against the Act or the regulations made under the Act.

Such Infringement Notices are to be issued in accordance with Section 14 of the *Monetary Penalties Enforcement Act 2005*, and is to be an amount up to 10% of the maximum applicable penalty for the offence.

These provisions for Warning Notices and Infringement Notices allow the Panel and the Surveyor General to take graduated action with respect to possible offences in proportion to the nature and severity of the possible offence.

Finally Madam Speaker, the Bill allows the Governor to make Regulations for the purposes of the Act. The regulations may be made in relation to fees and charges, costs of proceedings, other matters that may be specified in the Guidelines such as the process for reviewing and appealing a decision of the Panel or Registrar.

Madam Speaker, the Government fully supports the introduction of this Bill.

We firmly believe that the Place Names Bill introduces significant efficiencies to place naming processes. Consultation with stakeholders was conducted in two stages over an extended timeframe and the draft Bill was also circulated for comment.

The Government is therefore confident that the Bill is strongly supported by stakeholder groups.

The Bill will reduce red tape, streamline process and empower the community to have a role in place naming processes.

I commend this Bill to the House.