

GEOGRAPHICAL NAMES ACT.

Act No. 13, 1966.

An Act to constitute a Geographical Names Board of Elizabeth II,
No. 13, 1966
New South Wales and to define its powers and functions; to confer on that board certain powers with respect to the naming of places in New South Wales; to amend the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 30th March, 1966.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Geographical Names Act, 1966". Short title
and com-
mencement.

(2)

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(2) Except as provided in subsection three of this section, this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) For the purposes only of the appointment or nomination of members of the Geographical Names Board of New South Wales, the provisions of this Act relating to their appointment and nomination shall commence upon the day upon which Her Majesty's Assent to this Act is signified and those members shall assume office upon the day appointed and notified under subsection two of this section.

Interpre-
tation.

2. In this Act, unless the context or subject matter otherwise indicates or requires—

“Board” means the Geographical Names Board of New South Wales constituted under this Act.

“Counsellor” means a counsellor appointed under this Act.

“Geographical name” means the name of a place, which name has, in accordance with the provisions of this Act, been notified in the Gazette as a geographical name, but does not include a name which has ceased to be a geographical name under this Act.

“Lands Department map” means—

- (a) in relation to any area within the Eastern or Central Division of New South Wales, as defined in the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts—a standard topographical map, published before the commencement of this Act by or under the direction or control of the Department of Lands, for that area or, if there is no such standard topographical map for that area, a parish map, so published, which includes that area;
- (b) in relation to any area within the Western Division of New South Wales, as defined in the Crown Lands Consolidation Act, 1913,

as

as amended by subsequent Acts—a **No. 13, 1966**
standard topographical map, published
before the commencement of this Act by or
under the direction or control of the
Department of Lands, for that area or, if
there is no such standard topographical
map for that area, the county map, so pub-
lished, which includes that area; and

- (c) in relation to Lord Howe Island—the map
of Lord Howe Island published by the
Department of Lands and dated 6th July,
1962.

“Place” means any geographical or topographical
feature or any area, district, division, locality,
region, city, town, village, settlement, railway
station or school or any other place within the
territories and waters of the State of New South
Wales but does not include any road, any local
government area, urban area or county district
under the Local Government Act, 1919, as
amended by subsequent Acts, any electoral district
or subdivision under the Parliamentary Electorates
and Elections Act, 1912, as amended by subsequent
Acts, or any place or place within a class of places
to which the provisions of this Act do not apply by
virtue of the regulations.

“Prescribed” means prescribed by this Act or by the
regulations.

“Recorded name” means the name of a place as it
appears on a Lands Department map or, where
the name of a place appears differently on two or
more such maps, the name of that place as it appears
on whichever of those maps was published later
than the other or others.

“Regulations” means regulations made under this Act.

3. (1) For the purposes of this Act, there shall be a board Geo-
which shall be called the Geographical Names Board of New graphical
South Wales. Names
Board.

(2)

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No. 13, 1966 (2) The board shall consist of eight members of whom—

- (a) one 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 chairman of the State Planning Authority of New South Wales, or an officer of that Authority from time to time nominated by him;
- (c) one shall be the person for the time being holding the office of Principal Librarian of the Public Library of New South Wales, or an officer employed in the Public Library from time to time nominated by him;
- (d) one shall be the Director of the Department of Decentralisation and Development, or an officer of that Department from time to time nominated by him; and
- (e) four persons (in this Act referred to as "appointed members") shall be appointed by the Governor.

(3) The persons referred to in paragraphs (a) and (b) of subsection two of this section shall respectively be the chairman and deputy chairman of the board.

(4) Of the appointed members—

- (a) one shall be a person nominated jointly by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales;
- (b) one shall be a person nominated by the governing body of the Royal Australian Historical Society;
- (c) one shall be a person nominated by the governing body of the Geographical Society of New South Wales; and
- (d) one shall be a person nominated by the Minister.

(5) If within the time specified in a notice sent by the Minister to the bodies or a body entitled to make a nomination for the purpose of paragraph (a), (b) or (c) of subsection

four

four of this section a person is not nominated by those bodies **No. 13, 1966** or that body, the Governor may appoint any suitable person to be a member of the board in the place of that first-mentioned person.

(6) Subject to this section the appointed members shall hold office for a period of five years and shall be eligible for reappointment.

(7) No person of or above the age of seventy years shall be eligible for appointment as an appointed member and any appointed member shall cease to hold office upon the day upon which he attains the age of seventy years.

(8) (a) The chairman shall preside at all meetings of the board at which he is present.

(b) In the absence of the chairman the deputy chairman shall preside.

(c) If both the chairman and the deputy chairman are absent from any meeting of the board the members present shall appoint one of their number to preside at that meeting.

(9) (a) The procedure for the calling of meetings of the board and for the conduct of business at such meetings shall, subject to any regulation in relation thereto and this Act, be as determined by the board.

(b) At any meeting of the board five members shall form a quorum.

(c) Every question before the board shall be determined by a majority of the votes of the members present at a meeting of the board.

(d) The person presiding at any meeting of the board shall have a deliberative vote and, in the event of an equality of votes, a second or casting vote.

(10) (a) The Governor may, for any cause which to him seems sufficient, remove any appointed member from office.

(b)

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(b) An appointed member shall be deemed to have vacated his office if he—

- (i) dies;
- (ii) resigns his office in writing under his hand addressed to the Governor;
- (iii) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts;
- (iv) absents himself from three consecutive meetings of the board of which reasonable notice has been given to him either personally or in the ordinary course of post unless on leave granted by the board or unless he is before the expiration of five weeks after the last of such meetings excused by the board for his absence from such meetings;
- (v) ceases to reside in the State; or
- (vi) becomes bankrupt, compounds with his creditors or makes an assignment of his salary or estate for their benefit.

(11) If a vacancy occurs in the office of an appointed member, the Governor may appoint a person to the vacant office who shall hold office for the remainder of his predecessor's term of office.

(12) (a) In the case of illness or absence of any member of the board, other than an appointed member, the person who for the time being is performing the duties of the office by virtue of which that member is a member shall be the deputy of that member and shall act in the place of that member during his illness or absence, except where that member, being a member referred to in paragraph (b), (c) or (d) of subsection two of this section, has nominated another person to act in his place.

(b) In the case of illness or absence of any appointed member, the Governor may appoint a deputy to act in the place of such member during his illness or absence.

(c)

(c) Any person who is or is appointed the deputy of a member under this subsection may, while he acts as such deputy, exercise all the powers and authorities of the member in whose place he acts. **No. 13, 1966**

(13) No act or proceeding of the board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced, there was a vacancy or vacancies in the office or offices of any member or members.

(14) Each appointed member shall, if he is not a member of the Public Service, be entitled to receive such fees for attending meetings and transacting business of the board as the Minister may determine.

(15) Each member of the board shall be entitled to receive such travelling expenses as the Minister may determine.

(16) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment by the Governor of any member of the board, and no member shall, in his capacity as such member, be subject to the provisions of such Act during his term of office.

4. (1) The Governor may, under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts, appoint a secretary to the board and such other officers as are necessary for the administration of this Act. **Secretary and officers.**

(2) For the purpose of carrying out the powers and functions conferred or imposed upon the board by this Act the board may, with the approval of the Minister of the department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

5. Subject to this Act, the powers and functions of the board shall be— **Powers and functions of board.**

(a) to assign names to places;

(b)

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- (b) to approve that a recorded name of a place shall be its geographical name;
- (c) to alter a recorded name or a geographical name;
- (d) to determine whether the use of a recorded name or a geographical name shall be discontinued;
- (e) to adopt rules of orthography, nomenclature and pronunciation with respect to geographical names;
- (f) to investigate and determine—
 - (i) the form, spelling, meaning, pronunciation, origin and history of any geographical name; and
 - (ii) the application of any geographical name with regard to position, extent or otherwise;
- (g) to compile and maintain a vocabulary of aboriginal words used or suitable for use in geographical names and to record their meaning and tribal origin;
- (h) to compile and maintain a dictionary of geographical names with a record of their form, spelling, meaning, pronunciation, origin and history;
- (i) to publish a gazetteer of geographical names; and
- (j) to inquire into and make recommendations on any matters relating to the names of places referred to it by the Minister.

**Counsellors
to the
board.**

6. (1) The board may, by instrument in writing, appoint counsellors to advise it on matters within its powers and functions.

(2) The appointment of a counsellor shall be for such purpose or for such period as may be specified in the instrument by which he is appointed.

(3) Each counsellor shall be entitled to receive such travelling expenses as the Minister may determine.

7.

7. (1) Where the board approves that the recorded name of a place shall be its geographical name it shall cause notice of its approval to be published in the Gazette and upon publication of such notice the name shall become the geographical name of that place.

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Recorded names.

(2) Where a place has more than one recorded name and the board proposes to adopt one of such names as the geographical name of that place the proposal shall be dealt with in the manner provided in section eight of this Act for the alteration of a recorded name or geographical name.

8. Whenever the board proposes to assign a geographical name to any place or to alter a recorded name or a geographical name it shall cause to be published in the Gazette and in a newspaper circulating in or in the neighbourhood of such place a notice of the proposal specifying the proposed name or alteration.

Notice of proposal to assign or alter a name.

9. (1) Any person objecting to any proposed name or alteration specified in a notice published in accordance with section eight of this Act may, within a period of one month after the date of such publication or within such further period as the board may allow either in such notice or afterwards, give to the secretary to the board notice in writing of his objection, setting out the grounds of the objection.

Objection to proposed name or alteration.

(2) The board shall inquire into and dispose of all objections made pursuant to subsection one of this section.

(3) Where the board, after considering any objections to a proposed name or alteration—

- (a) decides that that name or alteration should not be adopted, the board may abandon the proposed name or alteration; or
- (b) decides that that proposed name or alteration should be adopted, either with or without modification, it may so recommend to the Minister in a report which shall also set out the grounds of the objections.

(4) Where the board makes a decision referred to in paragraph (a) of subsection three of this section, it may, at any subsequent time, make a further proposal, in accordance

No. 13, 1966 accordance with section eight of this Act, to assign to the place referred to in its decision the same or any other name, or to make the same or any other alteration to the name of the place so referred to.

(5) The Minister, after such inquiry as he thinks fit, may approve or disapprove of the recommendation of the board referred to in paragraph (b) of subsection three of this section, and his decision shall be final.

**Publica-
tion of
geographical
names.**

10. (1) Where—

- (a) no objection to a proposed name or alteration has been made, the board may cause a notice specifying the proposed name or alteration to be published in the Gazette; or
- (b) objection has been made to a proposed name or alteration, the board has recommended to the Minister that the proposed name or alteration be adopted, either with or without modification, and the Minister has approved the board's recommendation, the board shall cause a notice specifying the proposed name or alteration, as approved by the Minister, to be so published.

(2) Upon publication of such notice the name assigned or any altered name specified in the notice shall become the geographical name of the place to which the notice relates and, in the case of an alteration, the former name of the place shall cease to be its recorded or geographical name.

**Approval
of name
of post
office.**

11. (1) The board may, after consultation with the appropriate officer of any department of the Government of the Commonwealth of Australia and with such other persons, if any, as it thinks desirable, approve of the name assigned or proposed to be assigned to any post office or telegraph office in the State of New South Wales or of any alteration made or proposed to be made in a name assigned to any such post office or telegraph office.

(2)

(2) Where the board gives an approval under this section, it may cause notice of its approval to be published in the Gazette and thereupon the name or name as altered specified in the notice shall be the geographical name of the post office or telegraph office. No. 13, 1966

12. (1) Whenever by any Act or any ordinance or regulation made under any Act power or authority is given to the Governor or to any public authority, local government body, officer or person to assign a name to any place or to alter the name of any place such power or authority shall not be exercised unless the board first concurs in the name or alteration. Naming of
places
under
other Acts.

(2) Where, under subsection one of this section, the board concurs in a name being assigned to any place or in the alteration of the name of any place, the name assigned or as altered shall, upon publication of a notice in the Gazette specifying that name as the geographical name of that place, be its geographical name.

(3) Subject to subsection one of this section, nothing in this Act shall affect the powers or authorities conferred by or under any Act on the Governor or any public authority, local government body, officer or person to name any place or alter the name of any place.

13. At least one month before a recommendation that a name be given to a main road is made under section eight of the Main Roads Act, 1924, as amended by subsequent Acts, the Commissioner for Main Roads shall notify the board of the proposed recommendation. Naming of
main roads.

14. (1) Subject to subsection three of this section, the board may determine that the use of a geographical name shall be discontinued. Discontinu-
ance of
name.

(2) Where the board determines that the use of a geographical name shall be discontinued it shall cause notice of its determination to be published in the Gazette and thereupon that name shall cease to be the geographical name of the place to which the notice relates.

(3)

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(3) The board shall not determine that the use of a geographical name assigned or altered in accordance with the provisions of section eleven or twelve of this Act shall be discontinued unless the appropriate officer of a department of the Government of the Commonwealth of Australia or the Governor, public authority, local government body, officer or person referred to in those sections has concurred in its discontinuance.

**Names in
geographi-
cal manu-
scripts,
tourist
publica-
tions, maps,
etc.**

15. (1) No person shall publish or cause to be published in any geographical or other scientific manuscript or publication, or in any guide-book, handbook, pamphlet, road-map, or other publication intended for the use of travellers or tourists generally, or on any map in such manuscript or publication, or in such guide-book, handbook, pamphlet or other publication, any name purporting to be the name of any place which has a geographical name unless the name so published is the geographical name of that place or it is stated in or on the manuscript, publication, guide-book, handbook, pamphlet, road-map or other publication, or on the map, that the name is not a geographical name under this Act.

(2) Every person who acts in contravention of the provisions of this section shall be guilty of an offence against this section and shall be liable to a penalty not exceeding forty dollars.

(3) All proceedings for offences against this section shall be disposed of summarily before a stipendiary magistrate or any two justices in petty sessions.

(4) Proceedings for an offence against this section shall not be commenced except with the approval in writing of the Minister.

**Annual
report.**

16. (1) The board shall, as soon as practicable after the thirtieth day of June in each year, cause a report of its work and activities during the year ending on that date to be prepared and forwarded to the Minister.

(2)

(2) The Minister shall cause a copy of the report to No. 13, 1966 be laid before both Houses of Parliament.

17. No alteration of or discontinuance of the use of a name of a place pursuant to this Act shall affect any rights or obligations of any person, or render defective any legal proceedings and any legal proceedings may be continued or commenced under the altered or discontinued name. Rights or obligations not affected.

18. (1) (a) The board may from time to time by resolution delegate to the chairman of the board such of the powers and functions of the board (other than this power of delegation) as may be prescribed by the regulations and as are specified in the resolution. Delegation of powers.

(b) Any such delegation—

- (i) may be revoked by the board by resolution;
- (ii) shall not preclude the board from exercising the powers or functions delegated; and
- (iii) may be made either generally or for any particular case or class of cases.

(c) When acting within the scope of any such delegation to him, the chairman of the board shall be deemed to be the board.

(2) (a) The Minister may delegate to the Under Secretary, Department of Lands, or to any other officer of that Department, any power or function (other than this power of delegation) vested in him under this Act.

(b) Any such delegation—

- (i) shall remain in force notwithstanding that the person who made the delegation has ceased to hold office as Minister;
- (ii) may be revoked by the Minister;
- (iii) shall not preclude the Minister from exercising the powers or functions delegated; and
- (iv) may be made either generally or for any particular case or class of cases.

(c)

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(c) Any action by the Under Secretary or any officer when acting within the scope of any such delegation to him, shall be as effective as if the action had been by the Minister in person.

Regulations.

19. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to—

- (a) the forms or other documents to be used for the purposes of this Act;
- (b) the form of and the method of keeping any records to be kept by the board for the purposes of this Act;
- (c) the procedure for the calling of meetings of the board and the conduct of the business at such meetings;
- (d) the powers and functions that the board may delegate to the chairman;
- (e) prescribing the places or classes of places to which the provisions of this Act do not apply; and
- (f) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed in relation to any matter within the powers and functions of the board and generally for carrying out or giving effect to the provisions of this Act.

(2) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified therein;
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If

**Irrigation, Water, Crown Lands and Hunter Valley Flood
Mitigation (Amendment) Act.**

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If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

20. The Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, is amended by omitting from subsections three and four of section twenty-three the word "name" wherever occurring.

Amendment
of Act No.
7, 1913.
Sec. 23.
(Setting
apart of
sites of
cities
towns vil-
lages and of
suburban
lands.)
