

Geographical Names Act 1966 No 13

[1966-13]



New South Wales

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The provisions displayed in this version of the legislation have all commenced.

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Geographical Names Act 1966 No 13



New South Wales

An Act to constitute a Geographical Names Board of 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.

1 Name of Act and commencement

- (1) This Act may be cited as the *Geographical Names Act 1966*.
- (2) Except as provided in subsection (3), 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 (2).

2 Definitions

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.

Department means the Department of Finance, Services and Innovation.

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 and Central Division of New South Wales, as defined in the *Crown Land Management Act 2016*—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 Land Management Act 2016*—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, the county map, so published, 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 6 July 1962.

Place means any geographical or topographical feature or any area, district, division, locality, region, city, town, village, settlement or railway station or any other place within the territories and waters of the State of New South Wales but does not include any road, any area (within the meaning of the *Local Government Act 1993*), area of operations of a county council or a joint organisation area (within the meaning of that Act), any electoral district under the *Electoral Act 2017*, any school 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.

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.

Secretary means the Secretary of the Department.

3 Geographical Names Board

- (1) For the purposes of this Act, there shall be a board which shall be called the Geographical Names Board of New South Wales.
- (2) The board shall consist of 9 members of whom:
 - (a) one shall be the person for the time being holding the office of Surveyor-General,
 - (b) one is to be the Secretary of the Department of Planning and Environment or an employee of that Department nominated by the Secretary,
 - (c) one is to be the person employed in the Public Service as the State Librarian or a member of staff of the Library Council of New South Wales nominated by the State Librarian,
 - (d) one is to be a person employed in the Department nominated by the Secretary, and
 - (e) 5 people (in this Act referred to as **appointed members**) shall be appointed by the Governor.

- (3) The Surveyor-General shall be the chairperson of the board.
- (3A) The person referred to in subsection (2) (d) shall be the deputy chairperson of the board.
- (4) Of the appointed members:
- (a) one shall be a person nominated by the governing body of the Local Government and 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 New South Wales Aboriginal Land Council, and
 - (e) one is to be a person nominated by the Chief Executive Officer of Multicultural NSW.
- (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 (4) a person is not nominated by those bodies or that body, the Governor may appoint any suitable person to be a member of the board in the place of that firstmentioned person.
- (6) Subject to this section the appointed members shall hold office for such period (not exceeding 5 years) as is specified in the member's instrument of appointment and shall be eligible for reappointment.
- (7) (Repealed)
- (8)
- (a) The chairperson shall preside at all meetings of the board at which he or she is present.
 - (b) In the absence of the chairperson the deputy chairperson shall preside.
 - (c) If both the chairperson and the deputy chairperson 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 or her seems sufficient, remove any appointed member from office.
- (b) An appointed member shall be deemed to have vacated his or her office if he or she:
 - (i) dies,
 - (ii) resigns his or her office in writing under his or her hand addressed to the Governor,
 - (iii) becomes a mentally incapacitated person,
 - (iv) absents himself or herself from three consecutive meetings of the board of which reasonable notice has been given to him or her either personally or in the ordinary course of post unless on leave granted by the board or unless he or she is before the expiration of five weeks after the last of such meetings excused by the board for his or her absence from such meetings,
 - (v) ceases to reside in the State, or
 - (vi) becomes bankrupt, compounds with his or her creditors or makes an assignment of his or her 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 or her 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 or her illness or absence, except where that member has approved of another person acting, or nominated another person to act, in his or her place.

- (b) In the case of illness or absence of any appointed member, the board may, by instrument in writing, appoint a deputy to act in the place of such member during his or her illness or absence.
 - (c) Any person who is or is appointed the deputy of a member under this subsection may, while he or she acts as such deputy, exercise all the powers and authorities of the member in whose place he or she acts.
- (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 or she is not employed in 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 *Government Sector Employment Act 2013* 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 or her capacity as such member, be subject to the provisions of such Act during his or her term of office.

4 Staff

Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the board to exercise its functions.

Note—

Section 59 of the *Government Sector Employment Act 2013* provides that the persons so employed (or whose services the board makes use of) may be referred to as officers or employees, or members of staff, of the board.

5 Powers and functions of board

- (1) Subject to this Act, the powers and functions of the board shall be:
- (a) to assign names to places,
 - (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 origin,
 - (h) to compile and maintain a register 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.
- (2) The board may compile, maintain and publish a list of road names.

6 Counsellors to the board

- (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 or she is appointed.
- (3) Each counsellor shall be entitled to receive such travelling expenses as the Minister may determine.

7 Recorded names

- (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.
- (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 8 for the alteration of a recorded name or geographical name.

7A Certain names taken to be recorded names

- (1) The board may resolve to regard a name of a place as the recorded name of the place if the name appears in the same way on or in more than one map or other publication, or database, published or maintained:

- (a) by a government agency, or
 - (b) by any other body, if:
 - (i) the publication or database has been publicly available for a minimum of three years, and
 - (ii) the board is of the opinion that the publication or database is of a reliable cartographic and geospatial standard.
- (2) A name cannot be the subject of a resolution under this section if the board is aware that the name appears differently on or in two or more publications or databases referred to in subsection (1), even if the name appears in the same way on or in more than one such publication or database.
- (3) A name the subject of a resolution under this section is taken to be a recorded name for the purposes of this Act.

8 Notice of proposal to assign or alter a name

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.

9 Submissions in relation to proposed name or alteration

- (1) Any person may, within a period of one month after the date of publication of the notice referred to in section 8 or within any further period that the board may allow either in the notice or afterwards, make a written submission to the secretary of the board in relation to the proposed name or alteration.
- (2) The board shall inquire into and dispose of all submissions made pursuant to subsection (1).
- (3) Where the board, after considering any submissions in relation 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 any objections to the proposed name or alteration contained in the submissions.
- (4) Where the board makes a decision referred to in paragraph (a) of subsection (3), it may, at any subsequent time, make a further proposal, in accordance with section 8,

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 or she thinks fit, may approve or disapprove of the recommendation of the board referred to in paragraph (b) of subsection (3), and his or her decision shall be final.

10 Publication of geographical names

- (1) Where:

- (a) no submission objecting 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) a submission has been made objecting 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.

11 Approval of name of post office

- (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) 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.

12 Naming of places under other Acts

- (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.

- (2) Where, under subsection (1), 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 (1), 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 (Repealed)

14 Discontinuance of name

- (1) Subject to subsection (3), the board may determine that the use of a geographical name shall be discontinued.
- (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) The board shall not determine that the use of a geographical name assigned or altered in accordance with the provisions of section 11 or 12 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.

15 Names in geographical manuscripts, tourist publications, maps and other publications

- (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 5 penalty units.
- (3) Proceedings for an offence against this section are to be dealt with summarily before the Local Court.
- (4) Proceedings for an offence against this section shall not be commenced except with

the approval in writing of the Minister.

(5) In this section:

published includes published in electronic form.

16 Annual report

- (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) The Minister shall cause a copy of the report to be laid before both Houses of Parliament.

17 Rights or obligations not affected

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.

18 Delegation of powers

(1)

- (a) The board may from time to time by resolution delegate to the chairperson 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.
- (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 or her, the chairperson of the board shall be deemed to be the board.

(2)

- (a) The Minister may delegate to the Secretary, or to any person employed in the Department, any power or function (other than this power of delegation) vested in him or her 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) Any action by the Secretary or any other person when acting within the scope of any such delegation to him or her, shall be as effective as if the action had been by the Minister in person.

19 Regulations

- (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 chairperson,
 - (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) (Repealed)

20 Transitional provision

The persons holding office as appointed members of the board on the commencement of the amendment made to section 3 (6) by the [Statute Law \(Miscellaneous Provisions\) Act \(No 2\) 2001](#) continue to hold that office (subject to section 3) for the balance of the period of 5 years for which they were appointed.