



LandTasmania

Place Names Act

Issues paper

SEPTEMBER 2015

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About this document

PLACE NAMES are critically important reference points for all members of the community. From natural features, such as rivers and mountains, to cities, streets and reserves, place names are the most common way that people identify geographical locations. While the existence and use of place names may be 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 sixty years ago and embedded in provisions of the *Survey Co-ordination Act 1944* (the Act). While minor amendments have been made to the Act over the years, the legislative provisions that relate to place naming remain largely unchanged and no longer reflect technological advancement, different administrative arrangements or contemporary digital data management.

When a preliminary review of the Act was initiated several years ago, a key finding of the consultation process was that the legislative provisions for place naming – or nomenclature – were outmoded, confusing, complicated and inconsistent with modern administrative processes. The most critical ongoing demand is for consistent, accurate and up-to-date place names to assist Tasmania's emergency management organisations in the protection of life and property. At a more general level, there is significant demand for more efficient, streamlined naming processes, and data about the location and extent of places, for use across a diverse range of administrative and planning scenarios in both public and private sector organisations.

In response, the first step in the modernisation process was development of [Placenames Tasmania](#), the Tasmanian Government's online register of all official Tasmanian place names, which was publicly released in late 2014. A significant function of *Placenames Tasmania* is the introduction of electronic submission and processing of new names proposed by Local Government Authorities and other proponents. Through this service, members of the public can also search online for place names, locate those places on a map and access information about the historical significance and origin of existing or superseded names.

The next step is to modernise the legislation to clarify the roles and responsibilities of all parties involved in the official naming process, further streamline the underpinning administrative processes and enhance opportunities for compliance with national standards. The *Survey Co-ordination Act 1944* is administered by the Minister for Primary Industries and Water. The Minister has endorsed development of proposed new place names legislation.

This *Issues paper* presents a number of issues and proposals to help inform proposed new place names legislation. These issues have been identified through previous community consultation. This is an opportunity for all interested members of the public to comment on these and any other issues or potential solutions.

All submissions are welcome.

Your feedback will provide valuable input to the development of potential new legislation.

More information about the submission of comments is provided on page 10.

The case for change

In 1953, the *Survey Co-ordination Act 1944* was amended to introduce a statutory system for naming places and establish the Nomenclature Board as the responsible authority for the naming of all Tasmanian features or 'places', *except* for the naming of streets within declared cities and towns, responsibility for which was assigned to local government. The Nomenclature Board is responsible for maintaining a register for recording all names assigned by both the Board and local government. This register is now available online through *Placenames Tasmania*: www.placenames.tas.gov.au. Data from this register is used in digital and hard copy maps produced by the Tasmanian Government and in spatial data available through the *LIST*: www.thelist.tas.gov.au.

The original town boundaries, inside which local government has statutory responsibility for street names, now bear little relation to the extent of urban occupation in 2015. Some of these towns were proclaimed over 100 years ago and the original town boundaries have never been amended. This causes some confusion in determining which authority is actually responsible for naming many urban streets. As a result, some names have been duplicated, some have been assigned by local government but not notified to the Board for registration, and some privately maintained streets haven't been named at all. These and other issues lead to delays and inconsistencies in the street naming process, which impacts on the timely creation and completeness of property address information, a critical element in the efficient delivery of essential government services that rely on digital technologies.

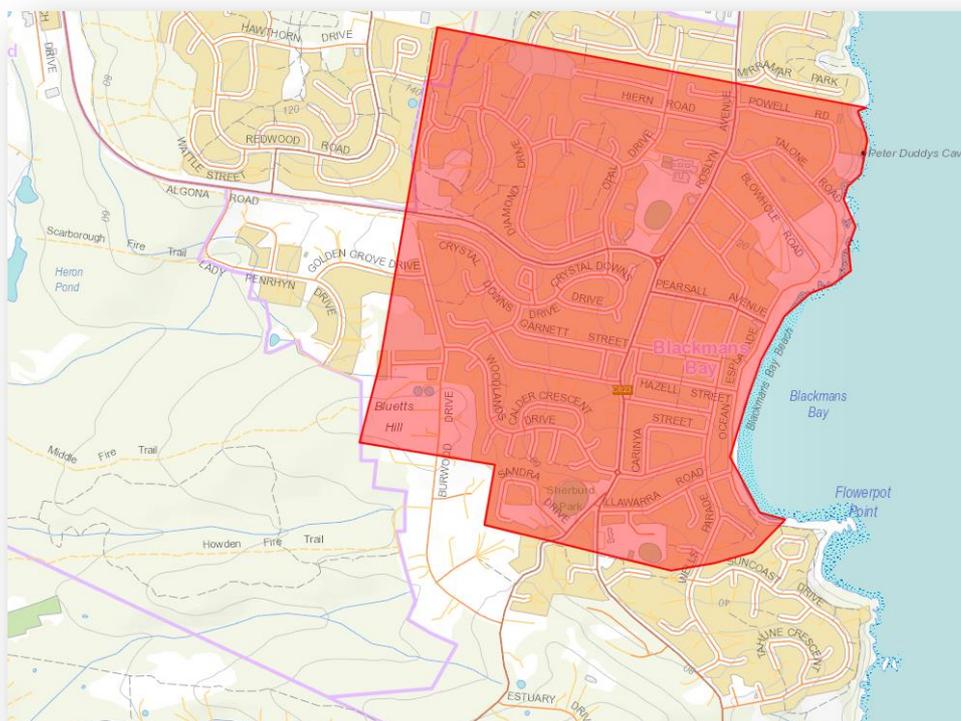


Figure 1 The shaded area depicts official town boundaries of Blackmans Bay, as proclaimed in 1946

When the Board was established as an independent statutory authority in 1953, the Act provided for membership to include representatives from the former Lands Department, Forestry Commission, Mines Department, Hydro-Electric Commission, Scenery Preservation Board and the Royal Society. While requirements for Board membership were subsequently amended, the Act still largely reflects the original

constitution; there is no mechanism to recognise inevitable changes in administrative or organisational arrangements, such as departmental amalgamation, reconfiguration and changes to related legislation, or provision for representation from contemporary and/or emerging interest groups.

As well as issues with Board constitution, the Act does not provide for protection of the integrity of the naming system or for enforcement of the adoption of assigned names. There have been occasions when it would have been highly desirable for the Board to be able to enforce its decisions. There have been instances, for example, in which false locality names have been advertised in opposition to approved and gazetted names.

When the Act was introduced, paper-based maps were the only means to depict the physical location of a place name. Today, the location of place names is managed within the digital environment of the whole-of-government Land Information System Tasmania (LIST) www.thelist.tas.gov.au as a parallel process to the maintenance of spatial feature datasets. There is also an increasing requirement for 'other' types of names to be recorded and incorporated into the place names database so they can be reflected in hard copy and digital maps, for example the names of public facilities, tourist features or significant cultural features.

Overview of issues

The last few decades have seen significant advancement in technology, policy and administrative processes relating to the assignment of place names.

These include:

- development of national guidelines and increasing demand for national consistency in place naming
- requirement for a single authoritative source for place names and information about the extent and location of those names
- clarification of responsibility for the naming of specific features
- public demand for the timely assignment of street names and addresses for new subdivisions
- introduction of an Aboriginal and dual naming policy
- transition from paper-based to digital mapping
- exponential growth in the use of satellite and other electronic navigation devices
- increasing demand to improve the efficiency of the place name approval process
- demand for accurate, current and consistent place name data
- transition to the digital management of place name data through the online register established through *Placenames Tasmania*.

The introduction of new legislation will reflect contemporary standards and enable more rigorous practices across the spectrum of official place naming activities. This will ensure that names are able to be assigned by the most appropriate authority, in accordance with national standards and guidelines. It will also facilitate improvements in the efficiency and timeliness of assignment and approval processes, as well as provide the streamlined management and maintenance of place name information. New legislation should allow a more agile governance structure and ensure an appropriate balance of skills and knowledge for the authoritative assignment of place names.

Issue 1: Governance

Existing legislation entrusts the Nomenclature Board of Tasmania with responsibility for investigating the naming of geographic features and the formal assignment of names. The operation and functions of the Board are supported by the Department of Primary Industries, Parks, Water and Environment (DPIPWE). The membership, functions and proceedings of the Board are defined in section 20A of the *Survey Co-ordination Act 1944*:

- (1) For the purposes of this Act there shall be a board, to be known as the Nomenclature Board.
- (2) The Board shall consist of ten members of whom –
 - (a) one shall be the Surveyor-General who shall be the chairman of the Board; and
 - (b) one shall be the senior mapping officer in the Department; and
 - (c) one shall be the senior mapping officer of the Forestry corporation continued by [section 6 of the Forest Management Act 2013](#); and
 - (d) one shall be a person nominated by the Tasmanian Planning Commission, established under the [Tasmanian Planning Commission Act 1997](#), and appointed by the Governor; and
 - (e) six shall be appointed by the Governor.
- (3) Of the persons appointed as members of the Board under [paragraph \(e\)](#) of [subsection \(2\)](#) of this section –
 - (a) one shall be a senior officer in the responsible Department in relation to the [Mineral Resources Development Act 1995](#); and
 - (b) one shall be a senior officer of the Hydro-Electric Commission nominated by the Commissioner of the Hydro-Electric Commission; and
 - (c) four shall be persons nominated by the Minister who shall be appointed for a term of three years.

This structure intended to provide enduring (not time-limited) representation from organisations with specialist responsibility for base mapping as well as four independently nominated members with three-year terms of appointment. The Act does not allow for the reconfiguration or restructure of government agencies or for official input from other relevant organisations into the naming process.

The establishment of more modernised governance arrangements would allow for greater community engagement in decisions relating to place name assignment, as well as allowing for intra-governmental reorganisation and restructure. The proposed structure of this group will be further informed by feedback submitted in response to this *Issues paper*.

It is proposed that new Place Names legislation will:

- I.1 Modernise the appointment and governance arrangements for the place naming process

Issue 2: Guidelines and standards

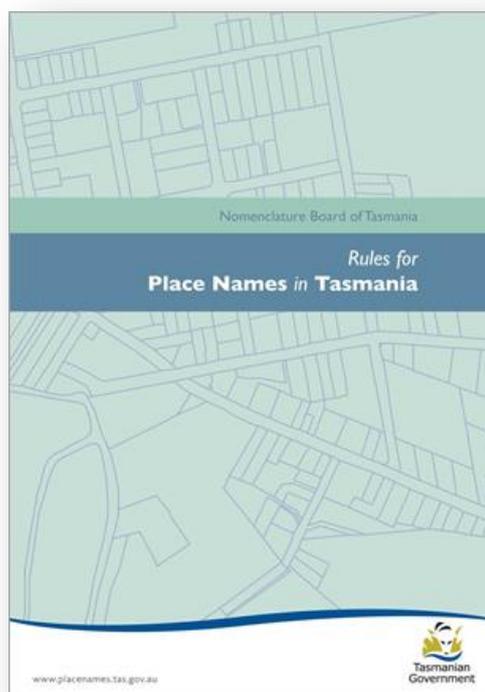
Current Tasmanian legislation does not provide for either establishment or compliance with standards, rules or guidelines for the assignment of place names.

In recent years, all Australian jurisdictions have developed rules and guidelines. This work has largely been undertaken in consultation with the Intergovernmental Committee on Surveying and Mapping (ICSM), a standing committee of ANZLIC: the spatial information council of Australia and New Zealand. ICSM's role is to provide leadership, coordination and standards for surveying, mapping, charting and national datasets. As a result, the jurisdiction-based rules and guidelines for place naming across Australia reflect high levels of national consistency.

New national guidelines demand and provide for consistency in the naming of roads and the application of street generics (Street, Road, Court, Crescent, Avenue etc). This minimises duplication and confusion for the community, especially relevant to emergency management organisations.

Tasmania has already developed and published 'Rules for Place Names in Tasmania'. This document is [publicly available](#) through the DPIPWE and *Place Names Tasmania* websites. While these rules are the basis from which the suitability of Tasmanian place naming proposals is currently assessed, current legislation does not support or mandate their use.

With digital maps and contemporary web mapping applications now providing public and private sector organisations and public users with seamless national map coverage, the requirement and demand to conform to national guidelines and consistency is clearly evident. The use of guidelines ensures the consistent application of naming principles and appropriate levels of rigour in the creation of new road names. Guidelines substantiate the rationale for naming decisions and support a valid process for the rejection of names that contravene such guidelines.



It is proposed that new Place Names legislation will:

- 2.1 Introduce a requirement for the development and maintenance of published guidelines
- 2.2 Provide that these guidelines will be used for local conformity with national standards, rules and guidelines
- 2.3 Provide that these guidelines will be used to assess the suitability of place names and provide an authoritative basis for the potential rejection of unsuitable names

Issue 3: Ambiguity about ‘place’

Under section 20D(2) of the *Survey Co-ordination Act 1944*, ‘place’ is interpreted as “any town, township, mining district, area of land, locality, mountain, hill, peak, pass, glen, valley, forest, river, stream, creek, ford, lake, lagoon, marsh, bay, harbour, cape, promontory, railway station, standard permanent mark, or other topographical feature, but does not include a street in a city or town”.

The apparent intention was to include all features depicted on the medium scale topographic maps produced in the 1950s. There are actually many ‘other’ types of places that include localities, electoral boundaries and public facilities such as parks, schools, hospitals and airports. These are commonly depicted – and need to be consistent – across all forms of hard copy and digital mapping products, and spatial datasets. In addition, other unrelated legislation provides for the naming of ‘other’ places, for example, local government areas and electoral districts.

There may be instances in which it is necessary to undertake a formal process to assign a name that is not covered by any legislation. For example, if a significant public feature – such as a new hospital or cultural precinct – is established, the assignment of a name may generate commensurate levels of community interest and potential debate about who is responsible for the choice of name.

With these cases in mind, it would be advantageous for new legislation to provide for the discretionary naming of significant cultural, natural or public places. This would provide a process to facilitate community decision-making and subsequently enable such names to be recorded in the *Placenames Tasmania* register and reflected on digital and hard copy maps.

It is proposed that new Place Names legislation will:

- 3.1 Allow for an unambiguous definition of ‘place’ that acknowledges all natural and man-made features represented in contemporary digital mapping
- 3.2 Provide an unambiguous interpretation of what constitutes ‘place’ in relation to legislative responsibility for the assignment and/or management of place names in Tasmania
- 3.3 Distinguish between the authority to assign names to places under *Place Names* legislation and the assignment of names to ‘other’ places authorised under separate legislation or by other organisations
- 3.4 Be subordinate to (outranked by) other legislation or regulation that allocates specific place names, such as local government areas or electoral districts
- 3.5 Provide the Minister with discretionary power to facilitate the assignment of names to ‘other’ places of significant cultural or public interest not covered under any other legislation

Issue 4: Assignment of names to public thoroughfares

While the Nomenclature Board has overall responsibility for processes relating to the official assignment of names to places in Tasmania, current legislation mandates that Local Government Authorities (LGAs) are responsible for naming streets in cities and towns. LGAs are also obliged to notify the Board of the alteration or assignment of new street names within 40 days. Responsibility for the naming of roads/streets outside cities or towns currently rests with the Nomenclature Board.

Over the years, there has been considerable urban development outside proclaimed town boundaries, as well as the proclamation of new cities that include 'rural' roads. This causes ongoing confusion and delays in the naming process due to uncertainty as to which organisation has naming responsibility for which streets/roads. In addition, there have been instances where a street name assigned by an LGA has caused community division and concern; current Tasmanian legislation does not provide either the Nomenclature Board or Minister with the power to overrule place naming decisions made by LGAs.

A number of different entities (such as the Department of State Growth, LGAs, Forestry Tasmania, Hydro Tasmania, Parks and Wildlife Service) are responsible for the construction and/or management of public thoroughfares across Tasmania. It would be beneficial for all road management authorities to be given greater responsibility in the naming process for thoroughfares under their (actual or intended) control. This would ensure both compliance with guidelines and the timely publication of names on digital and hard copy maps.

Tasmanian legislation does not currently provide for the naming of roads in 'gated' communities such as aged care complexes, where ease of identification is essential, especially in emergencies. While these thoroughfares may be situated within private 'complexes', it is critical that all addresses are consistent with guidelines, rules and standards.

There is also a need to establish street names for new subdivisions at the earliest possible opportunity in the development process so that formal addresses can be assigned at the time of title issue. As utility providers now stipulate the allocation of an address prior to connection, many home owner-builders are disadvantaged by delays in the current naming process.

The preferred solution for many of these issues would be for the relevant road management authority to have the power to assign road names, subject to compliance with guidelines, at the same time allowing for Ministerial intervention if the assigned name is deemed contrary to guidelines or unacceptable to the community. In effect, this shifts the naming responsibility from a boundary-based model to the domain of the relevant road management authority.

It is proposed that new Place Names legislation will:

- 4.1 Provide clarity for the authorised and responsible naming of all thoroughfares, including privately developed streets, roads, tracks, etc
- 4.2 Allocate responsibility for the naming of public thoroughfares (including those that will be publicly managed and/or have addressed dwellings) to the authority with relevant road management responsibility, in accordance with established guidelines
- 4.3 Provide the Minister with discretionary power to overrule or intervene in the assignment of an unsuitable or non-compliant place name

Issue 5: Assignment, approval and consultation processes

The Act currently requires the Board to publish a gazettal notice each time it intends to assign, alter or omit a place name from the register. This effectively means that minor changes and all names assigned by the Board must be gazetted: a resource-hungry, ostensibly unnecessary and time-consuming process. While there are occasions in which naming proposals may – and do – generate sufficient community interest to warrant maximum community awareness (generally associated with the naming of natural features) there are many instances in which a naming proposal or alteration may be routine or trivial.

For a period of one month after gazettal of the Board's intention to assign, alter or omit a place name, any member of the public may lodge an objection. If no objections are lodged during this period, new or altered place names are officially confirmed through a subsequent gazettal, generally three months later. If objection/s are lodged, the routine name assignment process becomes more complicated. Any objections received are formally reviewed, considered and decided upon by the Board. All decisions made by the Board to resolve objections are subsequently referred to the Minister, who may endorse, amend or overturn the Board's decision. The Minister's ruling is final; that ruling is also gazetted. This is a protracted process. It may take up to three months before a name can be officially confirmed. This causes lengthy delays in the publication and use of place names, as well as causing significant, ongoing issues for property owners, and infrastructure and essential service providers. Delays in the assignment of a new street name can and does adversely impact – financially, practically and emotionally – many property owners, developers and investors awaiting notification of official addresses.

In many other Australian jurisdictions, the relevant Minister's decision is deemed final at the point of gazettal. In instances where there the naming of a natural feature may generate strong public interest or concern, community opinion is canvassed during the proposal process, with public submissions considered by the relevant advisory group. This ensures an informed decision is made prior to formal assignment of the name. Gazettal is the final step in the timely assignment of a place name that has been subject to a rigorous process to assess suitability and community acceptance. This approach not only ensures that potentially contentious naming proposals are subjected to timely and comprehensive community and stakeholder consultation early in the process, it also encourages more informed decision-making, streamlined approvals and minimal inconvenience to property owners, developers and the general public.

It is proposed that new Place Names legislation will:

- 5.1 Provide the Minister with discretionary power to vary the consultation and approval processes for potentially contentious place names or the naming of prominent features
- 5.2 Provide for the description of place name categories suitable for public consultation, reflected in the proposed guidelines
- 5.3 Provide for the assignment of non-contentious names to man-made features without the requirement for reference group/advisory committee consideration or public gazettal
- 5.4 Mandate that the process to assign names to natural features is subject to reference group/advisory committee consideration and public gazettal
- 5.5 Provide for community consultation processes to occur prior to the formal assignment and gazettal of those names perceived as likely to generate strong community interest and/or debate
- 5.6 Provide that the assignment status of a place name is deemed to be final at the point of gazettal

Issue 6: Depiction and registration of place names

While the *Survey Co-ordination Act 1944* mandates that the Nomenclature Board must “compile and maintain a register of place[-]names” (s20D(1)(h)), it neither provides for nor specifies the way in which the location or extent of places should be depicted.

Over time, the location and extent of Tasmanian places has been established by assigning geographical coordinates to officially named places. This practice is no longer adequate; it does not accurately or definitely identify the precise location and extent of features, or meet contemporary public and user expectations. In recent times, this deficiency has been overcome by the attribution of a place name held in the current register to a spatial feature maintained in a LIST dataset.

New legislation could provide for the establishment and maintenance of a contemporary place names register through which the extent of places is defined by the register. This would enable the spatial depiction of features within the LIST datasets to become the authoritative source for the location and extent of named places. [Placenames Tasmania](#) has been established as the online register for official Tasmanian place names. It is also the site through which new place names are submitted and processed. The service also allows members of the public to search online for place names, visualise the extent of those places on a map and access information about the historical significance and origin of existing or superseded names.

It is proposed that every Tasmanian place name should be included within this digital register, including place names assigned by any other legislation or by another authority. This would enable all names to be reflected in authoritative mapping products (hard copy and digital) developed and disseminated by and on behalf of the Tasmanian Government.

It is proposed that new Place Names legislation will:

- 6.1 Acknowledge *Placenames Tasmania* as the official register and single, authoritative ‘point of truth’ for Tasmanian place names
- 6.2 Provide that spatial depiction of the location and extent of a place is linked to all place names held within the register, regardless of the original naming authority

Issue 7: Enforcement in the use of official place names

Current legislation does not provide for offences relating to the use of incorrect or misrepresented place names. Historically, there have been instances where names other than official place names are antagonistically represented on signage, maps or other forms of documentation. The capacity to apply penalties for the provocative and/or intentional use of non-official place names to cause adverse public outcomes would enforce use of the correct place names, at the same time minimising risks associated with sometimes life-threatening delays in the provision of emergency services due to address ambiguity or misinformation.

It is proposed that new Place Names legislation will:

- 7.1 Provide for the application of penalties for the intentional misuse of official place names

Submissions in response to this paper

If you would like to comment on any issues raised in this document, including the identification of alternative approaches, please forward your written submission to:

The Surveyor General
Land Tasmania
GPO Box 44
HOBART TAS 7001

Or email: andrew.tomes@dpipwe.tas.gov.au

All submissions are most welcome. **The closing date for submissions is 30 November 2015.**

All submissions will be treated as public documents and made available on the Department's website. If you wish your submission to be treated as confidential, either in whole or in part, please note this in writing at the time of making your submission. (However, see below on the *Right to Information Act 2009*.)

The Right to Information Act 2009 and confidentiality

By law, information provided to the Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated that you wish all or part of your submission to be confidential, the statement that details your reason will be taken into account in determining whether or not to release the information in the event of an RTI application for the assessed disclosure.

Next steps

After all feedback is collated, the outcomes and recommendations of this consultation process will be reflected in a *Stakeholder and Community Consultation Report*, which will be made publicly available.