



AUSTRALIAN CAPITAL TERRITORY

Districts Act 2002

Act 2002 No 39

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AUSTRALIAN CAPITAL TERRITORY

Districts Act 2002

Act 2002 No 39

An Act to provide for the division and description of land, and for other purposes

*Notified under the Legislation Act 2001 on 10 October 2002
(see www.legislation.act.gov.au)*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Districts Act 2002*.

2 Commencement

This Act commences on the day after its notification day.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition '*digital cadastral database*—see section 17.' means that the expression 'digital cadastral database' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Dividing land

5 Districts

- (1) The Minister must, by deposited plan, divide the land in the ACT into districts.
- (2) The boundaries of each district are the boundaries shown on the deposited plan by which the district is created.
- (3) The Minister must, in writing, determine a distinguishing name for each district.
- (4) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

6 Divisions, sections and blocks

- (1) The Minister may, by deposited plan, do any of the following:
 - (a) divide a district, or part of a district, into divisions or blocks;
 - (b) divide a division, or part of a division, into sections;
 - (c) divide a section into blocks.
- (2) The boundaries of each division, section or block are the boundaries shown on the deposited plan by which the division, section or block is created.
- (3) The Minister must determine a distinguishing name for each division under the *Public Place Names Act 1989*, section 3 (1) (a).

Note A determination under the *Public Place Names Act 1989* is a disallowable instrument (see s 3 (2)).
- (4) The Minister must give each section and block a distinguishing number.

7 Deposited plans

- (1) A *deposited plan* is a plan prepared by a registered surveyor and registered by the registrar-general under this section.
 - (2) The plan must—
 - (a) set out the boundaries of, and the distinguishing name or number for, each district, division, section or block to be created by the plan; and
 - (b) be lodged with the registrar-general in registrable form.
- Note* A fee may be determined under the *Land Titles Act 1925*, s 139 for lodging plans with the registrar-general.
- (3) The registrar-general may register the plan only if the commissioner for surveys has certified that—
 - (a) the land divided by the plan is correctly described; and
 - (b) the plan complies with this Act.
 - (4) For subsection (3) (a), the commissioner for surveys may certify that land divided by the plan is correctly described only if the boundaries of the land have been established by a registered surveyor—
 - (a) by survey; or
 - (b) for land that the plan divides into districts or divisions or that the commissioner is satisfied is to be the subject of a holding lease—by reference to information in the digital cadastral database.
 - (5) If this section is complied with, the registrar-general must register the plan by entering particulars of the plan, including a number for the plan, in the register kept by the registrar-general under the *Land Titles Act 1925*, section 43.
 - (6) If the plan amends another deposited plan, the registrar-general must also enter a reference to the amendment on the other deposited plan.

(7) In this section:

holding lease means a lease issued to allow for urban development and subdivision.

registrable form—a plan is in *registrable form* if—

- (a) it does not require a material correction, alteration or addition; and
- (b) it is in a printed or electronic form that the registrar-general is satisfied is suitable for registration; and
- (c) it is otherwise in accordance with this Act.

8 Evidence

A deposited plan is evidence of the measurements and boundaries of the areas of land shown on it unless the contrary is proved.

9 Description of parcel of land for dealings

The description of a parcel of land by reference to the name or number of the district, division, section or block by which the parcel of land is described in the deposited plan on which the parcel of land is shown is sufficient description of the parcel of land for dealings with the parcel of land.

10 Change of district or division names

(1) This section applies if—

- (a) a name (the *earlier name*) has been determined for a district or division as mentioned in section 5 (Districts) or section 6 (Divisions, sections and blocks); and
- (b) another name (the *later name*) is later determined for the district or division.

(2) A reference in a deposited plan or any other instrument to the earlier name is, from the time the later determination has effect, taken to be a reference to the later name.

11 Correction etc of instruments

- (1) If an instrument relating to a parcel of land shown in a deposited plan is presented to the registrar-general, the registrar-general must make the entries, cancellations and corrections (if any) to the instrument the registrar-general considers necessary so that the parcel of land is described by reference to the name or number of the district, division, section or block by which it is described in the deposited plan.

- (2) In this section:

instrument means the original of an instrument in the register kept under the *Land Titles Act 1925*, section 43.

12 Inspection of plans

- (1) The registrar-general must make plans lodged under this Act available for inspection at the registrar-general's office.
- (2) The registrar-general may also make plans available for inspection in other ways (for example, by emailing copies to people on request).
- (3) Plans may be made available for inspection in printed or electronic form.

Note A fee may be determined under the *Land Titles Act 1925*, s 139 for inspection of plans.

Part 3 Street addresses

13 Allocation of street addresses

- (1) The Minister may allocate a street address to a block or unit.
- (2) The allocation must be in accordance with the guidelines (if any) made by the Minister under section 14.
- (3) If the Minister allocates a street address to a block or unit, the Minister must—
 - (a) record details of the street address in—
 - (i) a register kept for this section by the Minister; and
 - (ii) the digital cadastral database; and
 - (b) make details of the street address publicly available (for example, through ACT government shopfronts and public libraries).

14 Guidelines about allocation of street addresses

- (1) The Minister may make written guidelines about the allocation of street addresses to blocks and units.
- (2) The guidelines may make provision about a matter by applying, adopting or incorporating an Australian Standard, or a provision of an Australian Standard, as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the *Legislation Act 2001*, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The guidelines are a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

15 Requirement to display allocated address etc

- (1) This section applies if—
 - (a) details of the allocated address for a block or unit have been recorded and made available under section 13; and
 - (b) either—
 - (i) the allocated address is not displayed at the frontage of the block or unit; or
 - (ii) a street address other than the allocated address is displayed at the frontage of the block or unit; and
 - (c) the owner of the block or unit has been given written notice of the allocated address.
 - (2) The Minister may, in writing, require the owner of the block or unit—
 - (a) to display the allocated address at the frontage of the block or unit; or
 - (b) if a street address other than the allocated address is displayed at the frontage of the block or unit—
 - (i) to remove the street address; and
 - (ii) to display the allocated address at the frontage of the block or unit.
- Note* For how documents may be served, see *Legislation Act 2001*, pt 19.5.
- (3) The requirement must state the time within which the action must be taken.
 - (4) The time stated must not be less than 21 days after the day the requirement is made.

16 Action if requirement not complied with

- (1) This section applies if the owner of a block or unit does not comply with a requirement under section 15 in relation to the block or unit.
- (2) The Minister may arrange for the taking of reasonable action to ensure—
 - (a) the allocated address is displayed at the frontage of the block or unit; or
 - (b) the street address other than the allocated address is removed from, and the allocated address displayed at, the frontage of the block or unit.
- (3) The reasonable cost of work carried out under this section is a debt owing to the Territory by the owner of the block or unit.

Part 4 Digital cadastral database

17 Digital cadastral database

- (1) The commissioner for surveys must establish and maintain an electronic database of information about land in the ACT (the *digital cadastral database*).
- (2) The digital cadastral database must include the following information:
 - (a) the boundaries of, and the distinguishing name or number for, each district, division, section and block created under section 5 (Districts) or section 6 (Divisions, sections and blocks of districts);
 - (b) each allocated address.
- (3) The digital cadastral database may include any other information the commissioner for surveys considers appropriate.

Part 5 Miscellaneous

18 Delegation by Minister

- (1) The Minister must not delegate the Minister's functions under this Act to someone other than the commissioner for surveys.

Note For the making of delegations and the exercise of delegated functions, see *Legislation Act 2001*, pt 19.4.

- (2) Subsection (1) has effect despite the *Legislation Act 2001*, section 254A (Delegation by Minister).

19 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 6 Transitional and consequential provisions

20 Districts and deposited plans under repealed Act

- (1) The districts set out in the *Districts Act 1966* (repealed), schedule (District boundaries) are taken to be districts created under section 5.
- (2) A deposited plan registered under the *Districts Act 1966* (repealed) is taken to be a deposited plan registered under section 7.

21 Repeal of Districts Act 1966

The *Districts Act 1966* No 5 is repealed.

22 Amended Acts

Schedule 1 amends the Acts mentioned in it.

23 Expiry of pt 6

This part expires 1 year after it commences.

Schedule 1 Amendments of other Acts

(see s 22)

Part 1.1 Building Act 1972

[1.1] Sections 33A (3) (b) (ii) and 42S (b)

omit

Districts Act 1966

substitute

Districts Act 2002

Part 1.2 Common Boundaries Act 1981

[1.2] Section 2A (b)

omit

Districts Act 1966

substitute

Districts Act 2002

Part 1.3 Electoral Act 1992

[1.3] Section 36 (c) (v)

omit

Districts Act 1966

substitute

Districts Act 2002

Part 1.4 **Land (Planning and Environment) Act 1991**

[1.4] Section 216A (1) (b)

omit

Districts Act 1966, section 6

substitute

Districts Act 2002

Part 1.5 **Land Titles Act 1925**

[1.5] Section 139 (1)

after

Community Title Act 2001

insert

, the Districts Act 2002

Part 1.6 **Rates and Land Tax Act 1926**

[1.6] Section 23 (2) (b)

omit

Districts Act 1966

substitute

Districts Act 2002

Part 1.7 **Surveyors Act 2001**

[1.7] Section 6, note

omit

Districts Act 1966, s 7

substitute

Districts Act 2002, s 7 and s 17

[1.8] Section 35 (a)

omit

Districts Act 1966

substitute

Districts Act 2002

[1.9] Section 44 (1), note

omit

Districts Act 1966, s 7

substitute

Districts Act 2002, s 7 and s 17

Dictionary

(see s 3)

Note 1 The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

Note 2 In particular, the following terms that are defined in the *Legislation Act 2001*, dict, pt 1, are particularly relevant to this Act:

- commissioner for surveys
- function
- registered surveyor
- registrar-general.

allocated address, for a block or unit, means the street address allocated to the block or unit under section 13.

block means a block under section 6.

deposited plan—see section 7.

digital cadastral database—see section 17.

district means a district under section 5.

division, in relation to land, means a division under section 6.

section, in relation to land, means a section under section 6.

unit—see the *Unit Titles Act 2001*, section 9.

Endnote

Republications of amended laws

For the latest republications of amended laws, see www.legislation.act.gov.au.

[Presentation speech made in Assembly on 9 May 2002]

I certify that the above is a true copy of the Districts Bill 2002 which was passed by the Legislative Assembly on 26 September 2002.

Clerk of the Legislative Assembly

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