



Australian Capital Territory

## **Districts Act 2002    No 39**

### **Republication No 1**

Republication date: 11 October 2002

Act not amended up to this date

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Districts Act 2002* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 11 October 2002. It also includes any amendment, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Districts Act 2002

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Australian Capital Territory

## Districts Act 2002

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

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Districts Act 2002*.

### 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.

### **23 Expiry of pt 6**

This part expires 1 year after it commences.



## 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.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

|   |   |
|---|---|
| am = amended  | ord = ordinance   |
| amdt = amendment                                    | orig = original   |
| ch = chapter  | p = page  |
| cl = clause   | par = paragraph   |
| def = definition                                    | pres = present  |
| dict = dictionary                                   | prev = previous   |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously  |
| div = division                                      | prov = provision  |
| exp = expires/expired                               | pt = part   |
| Gaz = Gazette                                       | r = rule/subrule  |
| hdg = heading                                       | reg = regulation/subregulation                                    |
| IA = Interpretation Act 1967                        | renum = renumbered  |
| ins = inserted/added                                | reloc = relocated   |
| LA = Legislation Act 2001                           | R[X] = Republication No   |
| LR = legislation register                           | RI = reissue  |
| LRA = Legislation (Republication) Act 1996          | s = section/subsection  |
| mod = modified / modification                       | sch = schedule  |
| No = number   | sdiv = subdivision  |
| num = numbered                                      | sub = substituted   |
| o = order   | SL = Subordinate Law  |
| om = omitted/repealed                               | <u>underlining</u> = whole or part not commenced or to be expired |

### 3 Legislation history

**Districts Act 2002 No 39**

notified LR 10 October 2002

s 1, s 2 commenced 10 October 2002 (LA s 75 (1))

remainder commenced 11 October 2002 (s 2)

### 4 Amendment history

**Commencement**

s 2 om LA s 89 (4)

**Transitional and consequential provisions**pt 6 hdg exp 11 October 2003 (s 23)**Districts and deposited plans under repealed Act**s 20 exp 11 October 2003 (s 23)**Repeal of Districts Act 1966**

s 21 om LA s 89 (3)

**Amended Acts**

s 22 om LA s 89 (3)

**Expiry of pt 6**s 23 exp 11 October 2003 (s 23)**Amendments of other Acts**

sch 1 om LA s 89 (3)

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