

# Place Naming Legislation in New Zealand

Dr Don GRANT, Wendy SHAW, New Zealand

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## SUMMARY

The New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 came into force on 1 November 2008 after more than 5 years of review, and updates and replaces the New Zealand Geographic Board Act 1946.

The new Act confirms the role of legislation in achieving government outcomes for place naming. The Act makes provision for the official naming of places in New Zealand, retains the New Zealand Geographic Board as the national place naming authority, and reflects the importance of geographical names in New Zealand culture and history.

The history of place naming in New Zealand is briefly outlined and the government outcomes and objectives that are achieved by official place naming are presented.

The main features of the new Act include:

- clarifying the jurisdiction of the Board;
- revising procedures for public participation in the place naming process;
- considering the composition and membership of the Board;
- ensuring the provisions of the Act align more clearly with the Treaty of Waitangi;
- modernising the Act's administrative and procedural provisions;
- strengthening the Board's roles, enabling it to create new names, change or discontinue current ones, and approve recorded names; and
- providing for a publicly available Gazetteer of official geographic names.

A notable task resulting from the new Act is the development of standards for particular types of place names (undersea, suburbs and localities, Crown protected areas, Antarctic, and New Zealand).

In providing a sound legislative framework designed to meet New Zealand's official geographical naming, the new Act will enable New Zealand to move forward in meeting the needs of the twenty-first century.

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## 1. INTRODUCTION

A milestone for place naming in New Zealand was reached when the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 was passed on 22 May 2008 and came into force on 1 November 2008, after more than five years of review. While the former New Zealand Geographic Board Act 1946 was an enlightened piece of legislation for its time, an update was needed to improve its jurisdictional, consultative and administrative provisions.

The review of the Act aimed to:

- clarify the jurisdiction of the Board;
- revise procedures for public participation in the place naming process;
- consider the composition and membership of the Board;
- ensure the provisions of the Act align more clearly with the Treaty of Waitangi;
- modernise the Act's administrative and procedural provisions;
- provide for a publicly available Gazetteer of official geographic names; and
- strengthen the Board's roles, enabling it to create new names, change or discontinue current ones, and approve recorded names.

## 2. BACKGROUND

### 2.1 Early Place Names in New Zealand

New Zealand's people are principally derived from Polynesian (Māori) and European descent. English and Māori are the two official spoken and written languages. English is most widely used, though the use of Te Reo Māori<sup>1</sup> is increasing.

Place naming in New Zealand began with the arrival of the indigenous Māori people from Polynesia around 800 – 950 AD. Theirs was not a written language and the names they gave to places were passed down through oral tradition.

In 1642, the Dutch explorer Abel Tasman briefly sailed along the West Coast of New Zealand. Later, Captain James Cook circumnavigated the country in 1769 and was the first European known to have set foot in the country, claiming it for the British Crown, and opening the way for colonial settlement, with the first arrivals being mostly sealers in the 1790s, followed by missionaries in the early 1800s. By 1839, the total non-Māori population was about 2,000. Both Tasman and Cook recorded place names in New Zealand on their

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<sup>1</sup> Te Reo Māori means the Māori language.

charts, including some original Māori place names that were set down in writing for the first time by Cook.

In 1840 the British government entered into a treaty, known as the Treaty of Waitangi, with Māori chiefs of New Zealand. In 1901 New Zealand became a self governing Dominion and is a member of the Commonwealth.

## 2.2 Official Place Naming

Legislative provisions for place naming in New Zealand were initially under the auspices of the Royal Geographic Society of London, until the Designations of Districts Act of 1894 gave the Governor-General of New Zealand authority to alter or assign place names in the colony.

One of the early reasons for an authority on place names was to avoid confusion in the naming of post offices, railway stations, etc. In 1924, the Minister of Lands approved the formation of a Board to adjudicate on questions generally concerning place and feature names in New Zealand.

The first Board, known as the Honorary Geographic Board of New Zealand, lacked the necessary power to implement its decisions and acted in an advisory capacity until 1946 when the New Zealand Geographic Board was established under the New Zealand Geographic Board Act 1946.

The New Zealand Geographic Board Act 1946 set up the Board (now known by its English and Māori names as the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa) as a statutory body governed by the Act. Its chief function was to make provision for the naming of places in New Zealand which extended to:

- New Zealand;
- Offshore islands: the Kermadec, Antipodes, Chatham, Auckland, Campbell, Snares and Bounty Islands;
- New Zealand territorial waters within the 12 nautical mile limit; and
- the Ross Sea Region of Antarctica (this responsibility was added later by Cabinet direction of 1956).

The 1946 Act made provision for the Board to assign or alter any geographic name or any place in New Zealand. The term “place” was defined as:

- any town, village, village settlement, special settlement, goldfield or mining district, land area, or other district, place or locality whatsoever (not being the district of a territorial authority or a ward or riding thereof);
- any railway or railway station;
- any post office; and
- any mountain, peak, hill, pass, valley, glen, forest, lagoon, swamp, creek, stream, river, ford, lake, bay, harbour, or other natural feature whatsoever.

Excluded from the Board's authority under the 1946 Act was:

- the naming of territorial authorities;
- streets and roads (which are named by territorial authorities);
- national parks and reserves (named by the Department of Conservation or territorial authorities);
- the name of the country, which would require a separate act of parliament to change; and
- specific agreements resulting from Treaty of Waitangi settlements, which add new names or change existing names where the Board's role is consultative or advisory only.

### **3. PURPOSE OF OFFICIAL PLACE NAMING**

Before looking at the use of legislation for place naming, it is important to understand what is being achieved by proposed legislation, and what government purposes that serves. Legislation is the strongest form of governmental intervention, and should be used only where less directive tools are unlikely to achieve the government's desired outcomes.

#### **3.1 The Role of Legislation in Place Naming**

The passage of the New Zealand Geographic Board Act 1946 indicates a view at that time that legislation was necessary for the general achievement of government outcomes and objectives. It can be presumed that the effectiveness of the non-statutory Honorary Geographic Board of New Zealand was seen by government to be hampered by the lack of a statutory mandate. The 1946 Act retrospectively provided this mandate by explicitly recognizing the decisions of the Honorary Board and requiring the new statutory Board to gazette them – and thus formally bring them under the new legislation.

This view that legislation is necessary for the efficient and effective achievement government outcomes in place naming was confirmed by the complete review of the Act that culminated in the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. This confirmation of the need for legislation was achieved despite modern policy practice whereby the role and need for government legislation is subject to greater scrutiny and policy assessment than was probably the case in 1946.

Woods (2004) also makes the case for the necessary role of legislation in geographic naming. He identifies 12 principles for the development and formulation of national geographic naming legislation. These are:

1. *National legislation should respect and observe international law and conventions.*
2. *Legislation should provide for the adoption of international best practice in relation to geographical naming, with due regard for particular local conditions.*

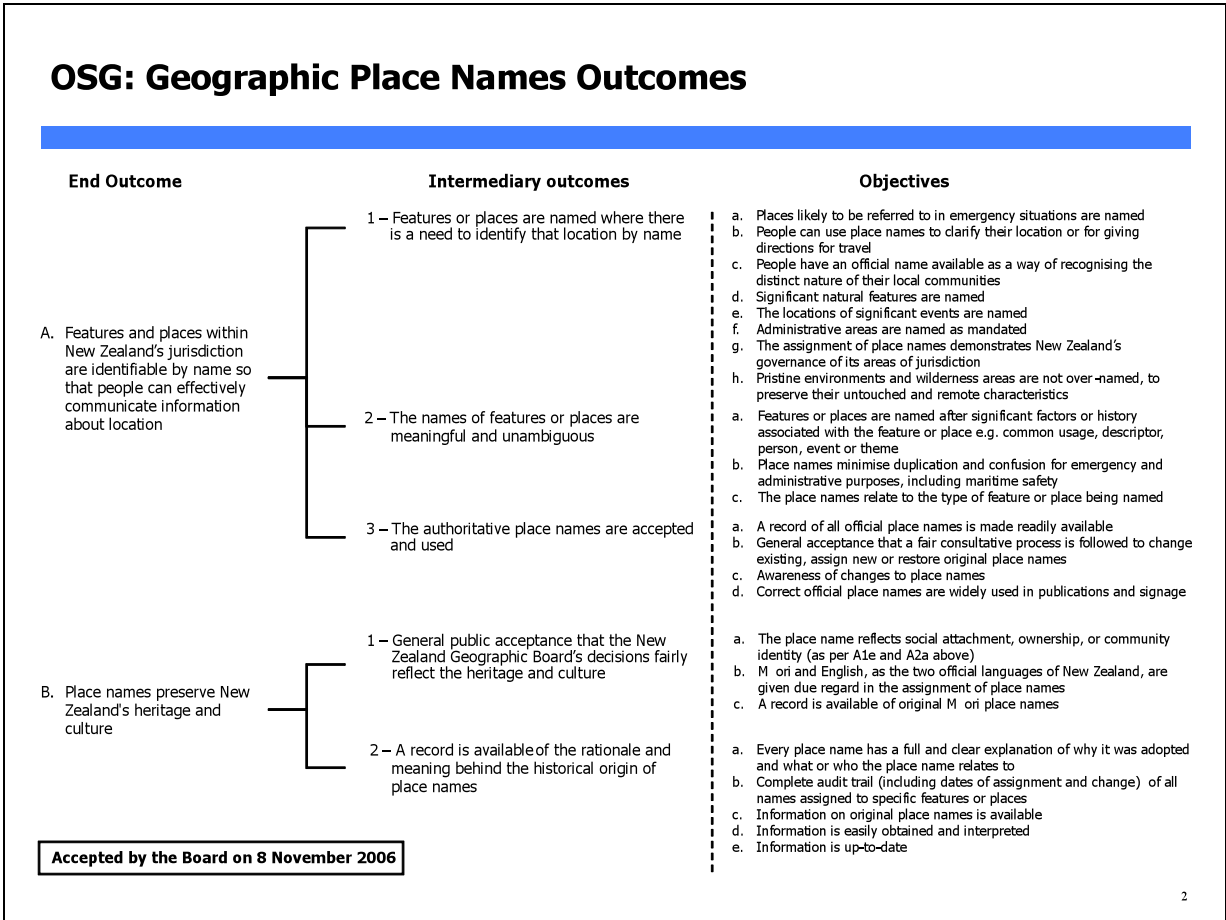
3. *Legislation should aim to strengthen national identity and in particular the rights and interests of indigenous peoples, and should have regard for the important role of geographical naming in the preservation of historical and cultural heritage.*
4. *Legislation should provide for the establishment of a central, national geographical naming authority and for this authority to be directly responsible for the naming of all geographical features within the jurisdiction.*
5. *Legislation **might** provide for the devolution of administrative place naming to territorial authorities or other appropriate administrative bodies.*
6. *Legislation should provide for the central national authority to be independent of government in its decision making relating to its functions.*
7. *Legislation should provide for the central national authority to be representative of geographical naming interests at national and at local community level.*
8. *Legislation should provide for the involvement and the input of individuals, communities and indigenous peoples in the geographical naming process both at national and at local levels and for such people to have adequate opportunities to submit, or object to, proposals for new, amended or restored geographical names.*
9. *Legislation should ensure that place naming at the local community level is subject to, and consistent with, national standards and protocols and is well-co-ordinated at national level.*
10. *Legislation should provide for the establishment of a database, or interactive databases, containing a comprehensive list of all 'official' names within the jurisdiction of the national authority.*
11. *Legislation should be facilitative rather than prescriptive*
12. *Legislation should provide for processes that are transparent, efficient and cost effective.*

### **3.2 Place Naming Outcomes**

In 2006, the New Zealand Geographic Board adopted a set of outcomes and objectives for geographic naming. The two end outcomes (that is, results delivered to the community and government) are:

- A. Features and places within New Zealand's jurisdiction are identifiable by name so that people can effectively communicate information about location
- and
- B. Place names preserve New Zealand's heritage and culture

These high level outcomes have been broken down into intermediate outcomes and objectives which, at a lower and more operational level, can guide the policies, standards and processes the Board follows under its legislation.



**Figure 1 New Zealand Geographic Board outcomes and objectives.**

The above outcomes and objectives, modified slightly to a jurisdiction independent form, have subsequently been endorsed by the Committee for Geographical Names in Australasia (CGNA - <http://www.icsm.gov.au/cgna/>) which includes all place naming authorities in Australia and New Zealand.

**3.3 Review of New Zealand Geographic Board Act**

Put into place over 60 years ago, the 1946 Act was an enlightened piece of legislation for its time. It established the New Zealand Geographic Board as the official place naming authority for New Zealand, recognised the importance of Māori place names and allowed for public consultation over place naming. The Board is an independent statutory body which reports to the Minister for Land Information. A government department, Land Information New Zealand (LINZ), provides administrative support to the Board.

The review of the New Zealand Geographic Board Act 1946 commenced in 2003 (Land Information NZ, 2003) and culminated in the Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008. The policy proposals were reported to Cabinet in 2005, after producing an information brochure, discussion paper, reviewing submissions and consulting with a number of targeted agencies. The process of writing the Bill then began and it was introduced to Parliament in 2007. The main issues considered in the review are described in the following sections.

### 3.3.1 Jurisdiction

Under the 1946 legislation, the Board was responsible for naming all geographic features (including undersea features within the 12 nautical mile territorial limit). Since 1946, New Zealand had become more involved in administration of the Ross Dependency of Antarctica (including place naming, survey, mapping and charting activities) while strengthening the Antarctic Treaty System established in 1959. Also, New Zealand has defined the outer limits of its continental shelf in order to claim sovereign rights under the United Nations Convention on Law of the Sea. The review considered a definition of New Zealand in the revised legislation to extend the Board's jurisdiction to include its interests in the naming of geographic and undersea features within the continental shelf area and in the Ross Dependency of Antarctica.

The review considered whether responsibility for names of suburbs and localities should be formally devolved to territorial authorities. The issue here is that suburb and locality names form part of physical street and postal addresses – along with street names and numbers. The latter are allocated by Territorial Authorities which raises the question of whether to combine these functions for determining full addresses.

Similarly, the Department of Conservation had full responsibility to name protected conservation areas and these are often based on geographic names or take on the characteristics of a geographic name – and are commonly used as a destination for travellers and tourists.

For suburbs and locality names, and for protected conservation area names, the review considered whether it would be necessary to establish protocols and standards to ensure consistent naming by territorial authorities and the Department of Conservation respectively.

The review also considered whether the final determination on naming proposals should be made by the Board or the Minister. Under the 1946 Act, the Board made the final determination where proposals had not been objected to during public consultation. However where there had been any objections, the final decision was made by the Minister.

### 3.3.2 Consultation

The 1946 legislation did not expressly spell out the right of individuals and organisations to make place name submissions to the Board on name proposals, although many already did. The review considered changes to explicitly ensure such a right.

Conversely, there are a great many names that have been consistently recorded on official maps and charts published by government agencies but which have never been put through the formal consultation and gazettal process of the Board or the previous Honorary Board. Given the significant resources required for public consultation, the review looked at possible efficient alternatives to full consultation for well established recorded names.

Full public consultation for undersea and Antarctic names was also considered under the review. This identified the need for the views of experts to be considered and liaison with other international naming authorities.

Since its inception the Board has paid attention to Māori place names. In recent years a consultation process for Māori place names had evolved through another government agency focused on Māori development. The review considered whether it would be more appropriate to have direct consultation between the Board and Māori.

There is a different consultation process for place names established under the Treaty of Waitangi settlement process. While the Board is asked for comment and advice on place names under Treaty of Waitangi claims, the names do not go through the Board's usual consultation process. The review considered whether place names or name changes proposed under the settlement process should go through the Board's usual consultation process before being incorporated into a Deed of Settlement, and ultimately formalised in Treaty legislation.

### 3.3.3 Board membership and administration

The review considered whether expansion of the Board's jurisdiction and activities would justify an increase in the number of Board members. The type of people appointed and the way they are appointed were reviewed.

Also, the prescriptive requirements for public consultation and administration of the Board's functions were reviewed to provide more flexibility. A particular consideration was the role of electronic forms of public notification given existing and expected future changes to the role of newspapers and electronic media.

## **4. SIGNIFICANT CHANGES IN THE 2008 ACT**

The significant changes to the Act are described in general terms in the following sections (NZ Geographic Board, 2008b).



#### **4.1 Extending the Board's role to undersea feature naming**

The Board now names undersea features within New Zealand's continental shelf limits. In September 2008, the United Nations accepted New Zealand's submission for the extent of its continental shelf. This confirmed New Zealand's rights and responsibilities for more than 1.7 million square kilometres of seabed. The continental shelf is now the subject of increasing research and exploration activity, and the Board's new role in naming its undersea features will play a crucial part in New Zealand's effective management of the area's undersea resources.

#### **4.2 Formalizing the Board's role in Antarctic place naming**

The new Act formalises the Board's long-standing role in place naming in the Ross Sea Region of Antarctica and provides for consultation with other relevant national and international naming authorities that operate in Antarctica.

#### **4.3 Reviewing names for Crown protected areas**

The Act provides the Board with a review and concurrence role for the names of Crown protected areas. This will help achieve consistency and standardisation for features named by the Board and for corresponding Crown protected area names relating to those features. Other Crown protected area names will benefit from a consistent and standardised process.

#### **4.4 Proposed future reviewing role for suburbs and localities**

Cabinet agreed to a future change to other legislation relating to street addressing to give the Board a review and concurrence role for the names of suburbs and localities which are to be named by Territorial Authorities.

#### **4.5 Official name Gazetteer**

From 1 November 2008, the Board was required to publish and maintain a publicly available Gazetteer of official geographic names (place names). Many thousands of names – official and unofficial – exist, so an easily accessible Gazetteer will help people and organisations identify the correct official name for New Zealand's features and places.

#### **4.6 Using official geographic names**

The Act requires that official geographic names be used in official documents. Using correct official names in the publications and documents published by public offices and local authorities contributes to the consistent use of correct names for New Zealand geographic features and places.

## **4.7 Composition of the Board**

The legislation retained the existing members of the Board and added two new members. One of these is the LINZ officer responsible for hydrographic standards who therefore brings expertise in undersea feature naming. The other new member is nominated by Local Government New Zealand and represents the interests of territorial authorities in suburb and locality naming.

## **4.8 Decision Making Powers**

Although not a significant change from the 1946 Act, it is worth noting that the 2008 Act retains the role of the Minister in cases where naming proposals have been objected to during public consultation, and where the Board has decided not to uphold those objections. Retention of the Minister's role departs from one of the principles proposed by Woods (2004) – principle 6. This decision was made in response to public consultation on the review of the Act (Land Information NZ, 2003).

## **5. IMPLEMENTATION OF THE ACT**

The Board has engaged in the following activities to meet its responsibilities under the new Act:

### **5.1 Secretariat**

Two new additional fulltime staff were appointed for the increased work of the Secretariat – previously there was only one Secretary. In addition, another two staff have been appointed for 9 months to research and capture historical information about existing official names for entry into the Gazetteer.

### **5.2 Interim Gazetteer**

On the date that the Act came into force, the Board published an interim (minimally compliant) New Zealand Gazetteer of Official Geographic Names. This includes all official geographic names, and the relevant Gazette or statutory reference for each official name, including the type of feature or area and its positional reference.

Five separate spreadsheets were created to meet the statutory requirements of the 2008 Act: These cover: New Zealand, Offshore Islands, Railway, Antarctic and Crown Protected Areas. The spreadsheets are publicly available on LINZ's website. They have been updated as place name changes occur, on an 'as needed' basis.

The former place names database, that includes recorded names (not formalised as official but appearing on official maps) remains available online, but was archived as at 31 October 2008 – just before the new interim Gazetteer(s) became available.

### **5.3 Full Gazetteer Database**

A project has commenced to go beyond the minimally compliant interim Gazetteer and develop an online Gazetteer database with spatial support and additional capture of relevant information that currently exists only in paper records such as the minutes of Board meetings.

The geographic extents and background/descriptive information, as well as a comprehensive listing of Recorded Names will be included in the full Gazetteer database. Capture of this information has commenced and is expected to be publicly available in early 2011.

### **5.4 Validated Antarctic, Crown Protected Area and Undersea feature names**

To date 1193 Antarctic names and 899 Crown Protected Area (CPA) names have been identified that had not been gazetted as official under the 1946 Act but were deemed to be validated as official under section 35 of the 2008 Act. These were gazetted in May 2009. A significant number of additional Antarctic names and approximately 200 CPA names are currently under investigation as to their 'valid' official status and will be gazetted in 2010.

The Board has arranged for the compilation of all known and recorded undersea feature names to allow the Board to review and adopt, then publicly notify these as official geographic names.

Research into existing suburb and locality names is also underway.

### **5.5 Consultation with Māori**

To assist with meeting the purpose of the 2008 Act for appropriate recognition to be accorded to cultural and heritage values associated with geographic features, the Board is developing a document on how it will engage with iwi<sup>2</sup> to research those values.

### **5.6 Administrative Efficiency**

A number of changes to the Act facilitate the Board's processes and provide opportunities to reduce costs. These are:

- Recorded names (well established names which are not official but which appear on official maps and/or databases and can be made official without public consultation where it is considered unlikely that they will be controversial).
- The period of consultation is at the Board's discretion (not less than 1 month).
- Advertising of public consultation in newspapers is more flexible including the option of using electronic media as appropriate.
- The Board can set up committees and delegate powers.

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<sup>2</sup> Iwi means Māori tribe or tribes

- The Board sets standards for place naming and, for Crown Protected Area names and potentially for suburbs and locality names shares the decision making – serving a role of concurrence (confirmation that the standards have been complied with).

The Board has also introduced an online submission form to facilitate public responses to proposals under consultation.

## 6. CONCLUSION

The review of the New Zealand Geographic Board Act confirmed the need for legislation to manage the allocation of place names so as to effectively and efficiently achieve government outcomes while ensuring public participation in the process. Implementation of the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 continues and has generally gone smoothly. A technical amendment to the Act is proposed for 2010 due to discovery that the wording inadvertently prevents the Board from assigning alternative names – where either name can be used. Alternative names are rarely used but can be appropriate to allow a very long term transition where the cost or disruption would otherwise be unreasonable.

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## BIOGRAPHICAL NOTES

### **Dr Don Grant, Surveyor-General and Chairperson of the Board**

Don Grant holds a BSc Honours in Physics from Canterbury University, a Diploma in Surveying from Otago University and a PhD in Surveying from the University of New South Wales. He registered as a surveyor in 1979 and is a licensed cadastral surveyor. Don was appointed Deputy Surveyor-General of New Zealand in 1996 and Surveyor-General in 2004. As Surveyor-General he became the ex-officio chairperson of the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa. Surveyor-General responsibilities also include the geodetic and cadastral survey systems, and electoral boundaries. Don was made a Fellow of the NZ Institute of Surveyors in 2007.

### **Wendy Shaw, Secretary for the Board**

Wendy Shaw has been Secretary for the Board since 1998. She began her career with LINZ and its predecessor departments in Survey draughting (obtaining the relevant technical qualification, NZCD). She initially worked mostly in plan examination, then progressed to statutory/regulatory land related status investigation and processing, and then moved to Crown property management, with a focus on protection of surplus Crown land for future Treaty settlements. Her knowledge, experience and skills (particularly organizational, planning and attention to detail) are well utilized by the Board and Chairperson. She represents the Board on a number of Committees, including international bodies.

## CONTACTS

Dr Don Grant  
Land Information New Zealand  
160 Lambton Quay  
PO Box 5501  
Wellington 6145  
New Zealand  
Tel.: +64 4 498 3507  
Fax: +64 4 460 0112  
Email: [dgrant@linz.govt.nz](mailto:dgrant@linz.govt.nz)  
[www.linz.govt.nz](http://www.linz.govt.nz)

Wendy Shaw  
Land Information New Zealand  
160 Lambton Quay  
PO Box 5501  
Wellington 6145  
New Zealand  
Tel.: +64 4 460 0581  
Fax: +64 4 460 0112  
Email: [wshaw@linz.govt.nz](mailto:wshaw@linz.govt.nz)  
[www.linz.govt.nz](http://www.linz.govt.nz)