



Norfolk Island Government Gazette

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NORFOLK ISLAND GOVERNMENT GAZETTE NO. 12

Friday 18 February 2005

NOTIFICATION OF THE MAKING OF REGULATIONS

IT IS HEREBY NOTIFIED, under section 33 of the *Interpretation Act 1979*, that the following Regulations have been made:

Enactment under which the Regulations made	Citation of the Regulations	Number & Year of the Regulations
<i>Education Act 1931</i>	<i>Education (Amendment) Regulations 2005</i>	No. 1 of 2005
<i>Road Traffic Act 1982</i>	<i>Road Traffic (General) (Amendment) Regulations 2005</i>	No. 2 of 2005

Dated 15 February 2005.

MICHAEL STEPHENS
DEPUTY ADMINISTRATOR

NEXT SITTING DATE FOR THE LEGISLATIVE ASSEMBLY OF NORFOLK ISLAND

At the sitting of the Legislative Assembly on 9 February 2005 the House resolved to adjourn until Wednesday 16 March 2005 at 10 00 am.

Dated 11 February 2005.

ROBIN-ELEANOR ADAMS
CLERK TO THE LEGISLATIVE ASSEMBLY

BILLS PRESENTED IN THE LEGISLATIVE ASSEMBLY ON 9 FEBRUARY 2005

The following bills were presented:

ROAD TRAFFIC (AMENDMENT) BILL 2005

This Bill is introduced to amend provisions of the *Road Traffic (Amendment) Act 2004* (called the "principal Act") that have been the subject of comment in the Assembly and to correct an anomaly.

The Bill will repeal all of the provisions of the principal Act that introduced into law requirements concerning seat belts.

Additionally the Bill repeals a number of provisions that were inserted under the heading of "*How persons must travel in or on a motor vehicle*" in order to prohibit certain activity such as travelling on any part of a motor vehicle (bonnet, roof or tray); driving a motor vehicle with a dog or child on one's lap and driving a motor vehicle with a part of the body outside the vehicle. With the deletion of these provisions drivers and other persons may still be dealt with under the existing Road Traffic law under such provisions as reckless or dangerous driving or negligent or inconsiderate driving, while serious offences may be dealt with under provisions concerning manslaughter or dangerous driving under the Criminal Law Act.

Provisions of the principal Act dealing with the requirement of cyclists to wear helmets and for parents to be responsible for their children in such matters is repealed. This does not of course mean that parents have no responsibility for their children and in given circumstances they may be liable under child welfare laws or the criminal law.

A provision of the principal Act that meant the Registrar did not have to issue the Administration with a registration label is to be repealed.

An anomaly that dates back to 1982 is to be corrected by changing from 12 to 3 months the time within which a registration plate on a vehicle registered in the Commonwealth or New Zealand must be changed (to conform to the time within which such a motor vehicle must be registered).

TELECOMMUNICATIONS (AMENDMENT) BILL 2005

This Bill will enable the government to levy charges for the use of the mobile trunking system. Increasingly the mobile phone trunking system has become used as a de facto mobile cellular system, a practice that reduces its effectiveness for emergency communications. The requirement of the legislation that local calls be free has meant that the mobile trunking system is open for use free of charge and it is this aspect of the service that this Bill seeks to address.

With the proposed change, the requirement for free local calls will have no application to the mobile trunking system and it will then be possible for the time based charge to be levied on its usage.

FUEL LEVY (AMENDMENT) BILL 2005

This Bill is intended to clarify section 22 of the principal Act which may imply that the revenue from the fuel levy must be used for the broad general purposes of the Administration and cannot be directed to specific areas.

This Bill does not directly or indirectly dispose of public moneys which is something that is only effected by an Appropriation Law, rather the Bill is intended to enable the government to direct that funds received from the fuel levy may be isolated and paid into a particular head of the Administration Services Fund or of the Reserve Fund.

NORFOLK ISLAND HOSPITAL (AMENDMENT) BILL 2005

This Bill is introduced to clarify and up-date the *Norfolk Island Hospital Act 1985*. The Bill increases the time for the accounts and reports to be made from 2 months to 3 months (thereby tying in with the *Annual Reports Act 2004*), emphasises that the accounts and report are not required to be audited before presentation, and makes the Annual Reports Act apply to the Hospital report.

HEALTHCARE LEVY (AMENDMENT) ACT 2005

This Bill broadens the meaning of de facto spouse to more conform with modern domestic arrangements and to cover a potential loophole in the granting of exemptions where it appears possible for a person resident on a temporary entry permit to apply for exemption if part of their time living in Norfolk Island has been as a visitor during which time they were not earning and thereby meet the income test.

INTERPRETATION (AMENDMENT) BILL 2005

This Bill is introduced to bring the provisions of the law of Norfolk Island with respect to the service of court processes in line with the facilities available.

In some jurisdictions the service of documents must be effected personally while in others service by mail is acceptable. In Norfolk Island the service of documents by mail has not been practicable because there is no mail delivery to home or business addresses.

The Bill, therefore expands the process by which documents can be served to include court process (such as complaints, writs, summonses and subpoenas) in the Court of Petty Sessions and tribunals where personal service may be required and allows service in Norfolk Island to the post office box number of a person or business or corporation. Some protection is provided where a person is not on Norfolk Island at the time of service and service is delayed until their return or until the court is satisfied that they were actually served.

Copies of the Bills free of charge may be obtained from Mrs Jan Keeping, Legal Services, Norfolk Island Administration, Kingston.

Dated 16 February 2005.

ROBIN-ELEANOR ADAMS
CLERK TO THE LEGISLATIVE ASSEMBLY

NORFOLK ISLAND PLANNING AND ENVIRONMENT BOARD ACT 2002
REVOCATION OF APPOINTMENT AND APPOINTMENT OF MEMBER AND DELEGATE MEMBER

I, Stephanie V. Jack, Minister for the Environment, under section 7 of the *Norfolk Island Planning and Environment Board Act 2002*, revoke the appointment of —

Leonard Carl Schmitz

to be a member, and appoint —

Peter Alfred Magri

to be a member of the Norfolk Island Planning and Environment Board for the period of 3 years commencing on the date this instrument is executed; and further, under paragraph 7(1)(b) of the Act, I appoint —

Christopher Adam Christian Magri

to be the delegate member for Peter Alfred Magri during the term of his appointment to the Board.

Dated 15 February 2005.

STEPHANIE V. JACK
MINISTER FOR THE ENVIRONMENT

NORFOLK ISLAND PLANNING AND ENVIRONMENT BOARD ACT 2002
APPOINTMENT OF DELEGATE MEMBERS

I, Stephanie V. Jack, Minister for the Environment, under paragraph 7(1)(b) of the *Norfolk Island Planning and Environment Board Act 2002*, appoint —

Melissa Ward

to be the delegate member of the Norfolk Island Planning and Environment Board for the member Chloe Nicholas during the remainder of her term of appointment which expires on 9 December 2007; and further, I appoint —

Peter Arthur

to be the delegate member for Aaron Graham for the remainder of his term of appointment which expires on 31 March 2007.

Dated 15 February 2005.

STEPHANIE V. JACK
MINISTER FOR THE ENVIRONMENT

EMPLOYMENT ACT 1988
APPOINTMENT OF MEMBER OF EMPLOYMENT CONCILIATION BOARD

I, John Terence Brown, Minister for Community Services, under section 65(2) of the *Employment Act 1988*, and in accordance with a resolution of the Legislative Assembly on 9 February 2005, appoint —

Stephen John Nutley

being a person with relevant qualifications and experience, as a member of the Employment Conciliation Board for the period 9 February 2005 to 8 February 2008.

Dated 11 February 2005.

JOHN TERENCE BROWN
MINISTER FOR COMMUNITY SERVICES

IMMIGRATION ACT 1980 "THE ACT"
COMPLIANCE NOTICE TO ALL ENTRY PERMIT HOLDERS IN NORFOLK ISLAND

The Immigration Section is actively reviewing all entry permits for compliance purposes to ensure that all entry permit holders remain within their permitted permit conditions. This includes employment, business and any other permitted activity in respect of a temporary entry permit, general entry permit and extended visitors permit beyond the initial 30 day deemed permit.

If you are in Norfolk Island and are neither a resident nor a visitor (within the 30 day deemed permit), then you should check that any remunerative activity being undertaken has been endorsed as a condition of your permit. Should there be a discrepancy in your remunerative activity and the conditions of the permit, it is necessary to take immediate steps to bring your situation into order. Failure **to do so within 14 days may result in the deemed cancellation of your entry permit in accordance with section 23 of the Immigration Act.**

Persons whose permits have ceased by virtue of section 23 of the Immigration Act become a prohibited immigrant and must depart Norfolk Island immediately or apply for a further entry permit. Failure to do so may result in legal action being taken against you.

Please contact the Immigration Office at the Customs House for further information, telephone 22140 extension 2.

A.C. BUFFETT
MANAGER, CUSTOMS AND IMMIGRATION SERVICES

IMMIGRATION ACT 1980 "THE ACT"
NOTICE TO ALL EMPLOYERS IN NORFOLK ISLAND

Employers' attention is drawn to the requirements of subsection 27(2) of the *Immigration Act 1980*. In accordance with this section **an employer is obliged to provide notice of an intention to employ a temporary entry permit holder.**

Subsection 27(2) of the Act states:-

"(2) If a person proposes to employ a permit holder under a temporary entry permit, he shall –

- (a) **before** commencing to employ the permit holder, inform the executive member accordingly, and
- (b) give to the executive member, within such a period as the executive member specifies, such information with respect to the employment of that person as the executive member requires.

Penalty: 5 penalty units. (\$500-00)

When employing persons who are holders of a temporary entry permit or persons who are required to apply for a Temporary entry permit the following details are required: -

- (a) name of the proposed employee;
- (b) the date employment commenced or will commence;
- © the hourly rate of pay and the average number of hours expected to work each week;
- (d) whether, you advertised locally regarding the position, and if a resident or general entry permit holder applied, please provide names and some indication as to why they were considered not suitable for the position;
- (e) two copies of advertisement (the position must be advertised twice);
- (f) Employment Certificate.

A letter with the above details is to be provided to the Immigration Office in all cases relating to employment of temporary entry permit holders.

Should you require further information then please contact the Immigration Section at the Customs House telephone 22140 extension 2.

A.C. BUFFETT
MANAGER, CUSTOMS AND IMMIGRATION SERVICES

PLANNING ACT 2002
DEVELOPMENT APPLICATIONS

The following Development Applications have been made under the *Planning Act 2002* in relation to permissible (with consent) use or development of land.

DA Number	Applicant	Location	Proposed Development	DA accompanied by Environmental Impact Statement
0075/04	Ms Charisse Clarke and Ms Marie Bailey	Portion 39a1 Mulberry Lane and 39a10 Queen Elizabeth Avenue	Erection of signage at the Hilli Lounge	No
0009/05	Mr David Buffett	Portion 10i2 Two Chimneys Road and Portion 10j4 off Two Chimneys Road	Boundary Adjustment	No
0010/05	Mr Gary Richards	Portion 39b Mulberry Lane	Erection of four duplexes (8 units) for seniors' residential accommodation and water tanks with 360,000 litre capacity at Parkland Estate. This development was originally approved in 2001 and one of the five duplexes was constructed in accordance with this approval. The approval expired prior to the erection of the final four duplexes for which development approval is now re-sought. The proposed works are identical to those approved in 2001. Development approval is also re-sought for the duplex erected under the previous approval to enable the entire development to be approved as a whole.	No

Public Exhibition

These Development Applications may be inspected, during business hours, at the Planning Office at the Administration of Norfolk Island, No 11 Quality Row, Kingston.

Submission

Any person may, during the period between 18th February 2005 and 4th March 2005, make written submissions to the Chief Executive Officer about the above Development Applications.

All submissions must state the relevant Development Application (DA) number.

All submissions must be signed by at least one person making the submission.

If a submission objects to the proposed development, the grounds for objection must be specified in the submission.

Reviewable Decisions

The decision of the executive member under subsections 44(7) and 44(8) of the *Planning Act 2002* is a reviewable decision within the meaning of subsection 78(1) of the *Planning Act 2002*.

Where a person has been appointed under section 91 of the *Planning Act 2002* to enquire into and make recommendations on matters relevant to the decision makes a recommendation, the decision is a reviewable decision only to the extent the decision does not conform with the recommendation.

MIRIAM MATHEW
PLANNING OFFICER SECRETARY TO THE PLANNING AND ENVIRONMENT BOARD

NOTICE OF INTENDED APPLICATION FOR PROBATE**IN THE SUPREME COURT OF NORFOLK ISLAND**
PROBATE JURISDICTION

In the estate of **BRUCE ELSON BUFFETT**, late of Taylors Road, Norfolk Island, deceased.

Application will be made not earlier than 14 days after publication of this notice that probate of the will dated 1 September 2003 of the abovenamed deceased be granted to the Curator of Estates of Deceased Persons, the executor named in the will.

All notices may be served at the address below.

Creditors of the estate of the deceased are required to send particulars of their claims to:

Curator of Estates of Deceased Persons
Administration of Norfolk Island
New Military Barracks, Kingston
NORFOLK ISLAND 2899

Tel: + 67 23 22001
Fax: + 67 23 23265

ADMINISTRATION OF NORFOLK ISLAND
TENDER 01/05
KAVHA INTERPRETIVE FILM

The Administration of Norfolk Island seeks tenders from suitably qualified producers to produce an interpretive film on the Kingston and Arthur's Vale Historic Area, to extend people's understanding of the outstanding cultural and natural features of the area (the KAVHA Film).

KAVHA is the Kingston Arthur's Vale Historic Area on Norfolk Island. It is rich with cultural and historical significance for Norfolk Island and Australia and covers the pre-European, Polynesian occupation; two settlements during the convict era, referred to as the First and Second Penal Settlements, (1788-1814, 1825-1855); and the Pitcairn settlement (1856- to present, incorporating the post 1945 settlement).

The KAVHA Film will be an informative, critical and artistic insight into KAVHA as a living cultural landscape.

Tender specifications for the production of the KAVHA Film are available from Denise Quintal, KAVHA Secretariat, by tel/fax + 6723 23101 or email: kavha@admin.gov.nf

Tenders should be submitted by email: records@admin.gov.nf or by delivering them to the Records Section, Administration of Norfolk Island, Level 3, New Military Barracks, Kingston, Norfolk Island, 2899.

Tenders must be received by 4:00 pm (Norfolk Island time) on **Wednesday 23 February 2005**.

A public opening of tenders will take place at 8.30 am (Norfolk Island time) on Thursday 24 February 2005 on level 3, New Military Barracks. The Administration is not obliged to accept the lowest or any tender.

Dated 14 January 2005.

ANTHONY MIDDLETON
ACTING CHIEF EXECUTIVE OFFICER

EXPRESSIONS OF INTEREST – CASUAL TEACHING 2005

Members of the Norfolk Island Community who may be interested in casual (day to day) teaching at Norfolk Island Central School in either Primary or Secondary departments during 2005, are invited to submit details in writing of their qualifications and experience to the Principal by the close of business on Friday 25 February 2005.

Essential Criteria: Tertiary qualifications and successful experience working with children, either teaching or in associated activities. Demonstrated ability to manage children effectively. Excellent interpersonal, oral and written skills. Ability to work collaboratively. All applicants will be subject to security and child protection checks.

Desirable Criteria: Teaching qualifications. Preparedness to work at short notice. Motor vehicle licence.

HELEN PEDEL
ACTING PRINCIPAL
NORFOLK ISLAND CENTRAL SCHOOL
