



# Norfolk Island Government Gazette

(PRINTED ON THE AUTHORITY OF THE ADMINISTRATION)

- 181 -

NORFOLK ISLAND GOVERNMENT GAZETTE NO. 39

Friday 26 August 2005

**NORFOLK ISLAND ACT 1979**  
**ASSENT TO AN ACT OF THE LEGISLATIVE ASSEMBLY**

IT IS HEREBY NOTIFIED that, on 23 August 2005, acting pursuant to section 21 of the *Norfolk Island Act 1979*, the Administrator declared his assent to the following proposed laws passed by the Legislative Assembly —

<b><u>Act</u></b>	<b><u>Commencement</u></b>
• Tourist Accommodation (Amendment) Act 2005 (Act No. 18 of 2005)	On gazettal
• Healthcare Levy (Amendment No. 3) Act 2005 (Act No. 19 of 2005)	On gazettal

Dated 23 August 2005.

**GRANT TAMBLING**  
**ADMINISTRATOR**

**ABSENTEE LANDOWNERS LEVY ACT 1976**  
**DETERMINATION OF LEVY DAY**

I, Ronald C. Nobbs, Minister for Finance, under section 2 of the *Absentee Landowners Levy Act 1976*, determine that the levy day in respect of 2005 is Thursday 15 September 2005.

Dated 8 August 2005.

**RONALD C. NOBBS**  
**MINISTER FOR FINANCE**

**BILLS PRESENTED IN THE LEGISLATIVE ASSEMBLY ON 17 AUGUST 2005**

The following Bills was presented:

**Public Moneys (Amendment) Bill 2005:** This Bill authorises the charging of interest on overdue Administration accounts and for related purposes. The amount of interest is to be determined by the executive member by notice in the gazette, being a rate not exceeding 12% per annum from the date the account was rendered until payment is made.

**Tourist Accommodation (Amendment) Bill 2005:** The purpose of this Bill is to rectify some apparent anomalies and take account of the current situation whereby the provisions requiring a review of quotas is seen as onerous and unnecessary. The inconsistency between subsection 8(6) that has absolute restriction upon the transfer of a quota and section 15A that allows such a transfer in accordance with a resolution of the Assembly is resolved by including reference to section 15A in subsection 8(6). Subsection 8B(3) that requires a 2 yearly review is repealed as it is considered unnecessary to hold such a review this year and in any event as a review can be done at any time if the Assembly so recommends it is considered unduly restrictive. Clause 6 of the Bill makes it clear that the current review that is due need not be carried out. Subsection 8B(4) is amended to take account of changes to personnel and to allow for a representative of the Tourist Bureau to be a member as previously recommended by the Gatekeepers Working Group.

**Road Traffic (Amendment No. 2) Bill 2005:** This Bill has been prepared at the recommendation of the Road Traffic Road Safety Committee to reduce the effect of the confiscation penalty in section 40 and make provision to better enable the police to deal with various forms of driving offence where drivers are a public nuisance or may put peoples lives in danger. In particular the Bill will remove from subsection 40(2) the mandatory penalty of vehicle confiscation for performing "wheelies" or "drag racing" and simply empower the court to order confiscation. The Bill also enables a police officer to detain and impound a vehicle where the driver has been driving dangerously, appears to be under the influence of drugs or alcohol, appears to be unable to control the vehicle, or where the vehicle itself appears to be unroadworthy or is unregistered or is damaged and the driver cannot give a satisfactory explanation for the damage or the vehicle appears to be stolen or the driver is not authorised to drive it. The Bill provides that an impounded vehicle cannot remain impounded for more than 7 days unless a magistrate orders otherwise, that a vehicle must be impounded in a place set aside for the purpose by the police and that it is an offence for a person to remove a vehicle from the pound.

**Legal Profession (Amendment) Bill 2005:** The *Legal Profession Act 1993* was gazetted on 6 May 1993 and on 13 May 1993 Part 1 and sections 45 and 46 were commenced (the preliminary sections including definitions and interpretation and the commencement power and the power to make Regulations). With the pending move towards the uniform regulation of practitioners in the mainland States and Territories, it was considered prudent that the Act be brought into force and seek to avoid some of the impositions of the Uniform Law that would impose upon legal practitioners in Norfolk Island a burden that may well preclude their continuing to practise, however in order to do this it was clear that some changes needed to be made to the Act which is now 13 years old. The Law Society of the A.C.T. has agreed to take on the role of supervising authority for the purpose of ethics and discipline. Norfolk Island Practitioners will continue to enjoy the independence of local admission while still being subject to a common ethical and disciplinary standard. The Bill makes several changes to up-date the legislation by making provision for recognition of "Senior Counsel", the likely delay in bringing in provisions for professional indemnity, and extending the class of auditors of trust accounts so that practitioners can engage their own qualified auditor provided there is an arm's length relationship. The principal changes are intended to enable the Law Society to receive complaints of misbehaviour and where necessary to deal with them through the Professional Conduct Board. The ethical standards that Norfolk Island Practitioners will be required to follow will be those applicable to ACT practitioners and ultimately serious matters will be dealt with by the Supreme Court.

**Healthcare Levy (Amendment No. 3) Bill 2005:** This Bill provides for four levy periods instead of the present two and provides that the levy payable in a levy period be \$150

**Associations Incorporation Bill 2005:** The Associations Incorporation Act is intended to provide community and social organisations a means of obtaining benefits of incorporation without going through the costly and burdensome process of incorporation under the Companies Act – legislation that is designed principally for commercial and trading entities. The Act establishes a Registrar of Associations and an Assistant Registrar who are responsible for the day to day control of the associations register. It is anticipated that these will be the same persons as administer the Companies registry. Associations are able to incorporate in a relatively simple manner which starts with an application being made to the Registrar who, when satisfied that the association will meet the requirements of the Act, authorises advertisement of the intention to incorporate. Accounts of the Association must be kept and audited unless the Association has an annual income of less than \$10,000 or a membership of less than 100 persons in which case the members can, if they wish, decide that audit is not necessary. The Act makes special provision for Associations that have been incorporated under the Companies Act to seek to convert to incorporation under this Act. The process is simple and follows broadly an application of an unincorporated association. Once the application is approved registration under the Companies Act ceases and the Association is incorporated under this Act.

**Norfolk Island Sustainability Levy Bill 2005** The purpose of this Bill is to introduce to Norfolk Island a new revenue charge based upon the turnover of business. This charge is called the Norfolk Sustainability Levy, or NSL, and is intended to be simple of calculation, simple of payment and simple of collection. A primary objective of the Bill, other than that of broadening and expanding the Island's revenue base, is to develop sufficient information about the economy of the Island to enable informed decisions to be made that may enable the abolition of a number of existing government fees and charges and replace them with a single levy at a level that does not adversely affect the economy. The Bill establishes the post of Chief Revenue Officer who is placed in charge of the administration of the legislation. Eventually, it is anticipated that this post will undertake the collection of most if not all revenue for the Administration providing a single collection point and source for enforcement of revenue collection and form the nucleus of a Treasury Department that will be responsible for financial and economic management as an activity separate from financial accounting.

Copies of these Bills free of charge may be obtained from the Clerk to the Legislative Assembly, telephone 22003. Norfolk Island. These Bills are also available on the internet at [www.info.gov.nf](http://www.info.gov.nf).

Dated 18 August 2005

**ROBIN-ELEANOR ADAMS  
CLERK TO THE LEGISLATIVE ASSEMBLY**

**TABLING OF REGULATIONS IN THE LEGISLATIVE ASSEMBLY OF NORFOLK ISLAND**

At the sitting of the Legislative Assembly on 17 August 2005 the following Regulations were tabled:

**Road Traffic (Road Safety Committee) Regulations 2005**

Dated 18 August 2005.

**ROBIN-ELEANOR ADAMS**  
**CLERK TO THE LEGISLATIVE ASSEMBLY**

**SEPTEMBER SITTING OF THE LEGISLATIVE ASSEMBLY OF NORFOLK ISLAND**

At the sitting of the Legislative Assembly on 17 August 2005 the House resolved to adjourn until Wednesday 21 September 2005 at 10 00 am.

Dated 18 August 2005.

**ROBIN-ELEANOR ADAMS**  
**CLERK TO THE LEGISLATIVE ASSEMBLY**

**IN THE SUPREME COURT            )**  
**NORFOLK ISLAND                )**

P. 10 of 2005

In the estate of Elaine Claudette Buffett,  
Public Servant, deceased

**NOTICE OF INTENDED APPLICATION GRANT OF PROBATE**

Application will be made not earlier than 14 days after the publication of this notice that a Grant of Probate of the Will dated 7 March 1997 of the abovenamed deceased be granted to the Curator of Estates of Deceased Persons, the abovenamed having died leaving a 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:

The Curator of Estates of Deceased Persons  
Administration Offices  
New Military Barracks  
NORFOLK ISLAND 2899  
Phone - Int+ 6723 22001 (ext 5)

Dated 18 August 2005.

**PLANNING ACT 2002**  
**DEVELOPMENT APPLICATIONS**

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

<b>DA Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposed Development</b>	<b>DA accompanied by Environmental Impact Statement</b>
0046/05	Tracey Yager	Portion 39a7 Mulberry Lane	Directional signage at the Cyclorama	No

**Public Exhibition**

This Development Application 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 Friday 26<sup>th</sup> August 2005 and Friday 9<sup>th</sup> September 2005, make written submissions to the Chief Executive Officer about the above Development Application.

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**

**PLANNING ACT 2002  
DEVELOPMENT APPLICATIONS**

The following Development Applications for permissible (with consent) use or development of land have been determined under the *Planning Act 2002*.

<b>DA Number</b>	<b>Applicant</b>	<b>Location</b>	<b>Proposed Use and/or Development</b>	<b>Decision</b>
051/04	Mr Charles Christian-Bailey	Portions 53a1/53a3 Queen Elizabeth Avenue	Boundary Adjustment	Approved, subject to conditions on 16 <sup>th</sup> August 2005
0011/05	Mr Roderick and Mrs Noelene McAlpine	Portion 9k2 Two Chimneys Road	Winery cellar door incorporating wine making facilities, a retail outlet and utility block.	Approved, subject to conditions on 11 <sup>th</sup> August 2005

**Public Exhibition**

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

**Reviewable Decisions**

A decision to approve/refuse the above development application(s) subject to conditions, is a reviewable decision within the meaning of subsection 78(1) of the *Planning Act 2002*.

The applicant and any person who made a written public submission in relation to one of the above proposals has the right to apply to the Administrative Review Tribunal for review of the decision in relation to that proposal.

An application for a review must be lodged within 28 days of the date the approval was given. An application for review must:

- be made in writing;
- be in the approved form;
- identify the decision to be reviewed; and
- state the reasons for the application.

**MIRIAM MATHEW  
PLANNING OFFICER  
SECRETARY TO THE PLANNING AND ENVIRONMENT BOARD**

**LAND TITLES ACT 1996**  
**APPLICATION FOR REGISTRATION OF TITLES**

Application has been made in accordance with Section 133 of the *Land Titles Act 1996* for registration of titles in respect of the land specified hereunder.

<b>APPLICANT</b>	<b>LOT</b>	<b>SECTION</b>	<b>PORTION</b>	<b>ROAD</b>
Marion Rose Lyons	33	28	150h2	Douglas Drive

An application under Section 133 of the Act is made for the purpose of bringing land under the Guaranteed Titles system. Further information about the above land may be obtained from the Land Titles Office situated on the ground floor of the Administration Officers, Kingston.

Submissions about the title to the above land are invited within 14 days after the publication of this notice and should be lodged at the Land Titles Office.

**ALLEN BATAILLE**  
**REGISTRAR OF TITLES**

**CONSTRUCTION OF A NEW LAUNCH – LIGHTERAGE**  
**TENDER NO 08/05**

Tenders are invited from suitably qualified persons for the construction of a new launch for the Norfolk Island Lighterage Service, on a labour only basis.

Tender specifications and further information can be obtained from the Lighterage Serviceman John Deadman, on telephone 22858 or mob 80454.

Tenders should be placed in a sealed envelope endorsed “Construction of a New Launch – Lighterage, Tender No 08/05” and placed in the tender box located in the Records section, 2<sup>nd</sup> floor of the Administration office building, Kingston by 4pm on Friday 9th September 2005.

The lowest or any tender need not necessarily be accepted.

**MIKE JOHNSTON**  
**MANAGER – PUBLIC WORKS**

\*\*\*\*\*