



Norfolk Island Government Gazette

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- 69 -

NORFOLK ISLAND GOVERNMENT GAZETTE NO. 21

Thursday 23 April 2015

NORFOLK ISLAND
ANZAC DAY SERVICES – SATURDAY 25 APRIL 2015

In commemoration of ANZAC Day, there will be two services at Kingston on Saturday 25 April 2015.

The Dawn Service will be held at 5.40 am at Emily Bay Foreshore and all Returned, Serving and Ex-Service personnel and other interested persons are invited to attend.

The mid-morning Service will commence at 10.40 am and all Service Personnel are required to assemble at the Officers' Bath at 10.30 am for the march to the Cenotaph. Medals should be worn.

Dated 1 April 2015

THE HON GARY HARDGRAVE
ADMINISTRATOR

HEALTHCARE LEVY ACT 1990

DETERMINATION OF PAYMENTS TO BE NOT IN THE NATURE OF INCOME OR WHICH SHOULD NOT BE REGARDED AS INCOME FOR THE PURPOSES OF SECTION 10 OF THE ACT

I, Robin Eleanor Adams, Minister for Cultural Heritage and Community Services, under section 4 of the *Healthcare Levy Act 1990*, ("the Act") in relation to paragraph (c) of the definition of income under that section of the Act, determine that for the purposes of section 10 of the Act, income derived from payment of a New Zealand pension is exempt when assessing liability of persons to pay the levy.

Dated 21 April 2015

ROBIN ADAMS
MINISTER FOR CULTURAL HERITAGE AND COMMUNITY SERVICES

SITTING OF THE LEGISLATIVE ASSEMBLY OF NORFOLK ISLAND

At the sitting of the House on 15 April 2015 it was resolved to adjourn until Friday 24 April 2015 at 2.00 pm.

Dated 15 April 2015

SHARYN QUINTAL
DEPUTY CLERK TO THE LEGISLATIVE ASSEMBLY

BILLS PASSED IN THE LEGISLATIVE ASSEMBLY ON WEDNESDAY 15 APRIL 2015

The following Bills were passed –

TRAFFIC (AMENDMENT) BILL 2014
TRAEFIK (CHIENJEN) BIL 2014

The Bill is an initial step towards bringing the road traffic laws of Norfolk Island more in line with accepted principles of safety applied in the Commonwealth. The Bill seeks to make provision for random breath and oral fluid testing and to make some consequential amendments and corrections to the principal Act.

The Bill has 4 clauses and a Schedule.

Clauses 1-3 provide the usual short title, commencement and reference to the principal Act being amended.

Clause 4 provides for the principal Act to be amended by the Schedule.

The Schedule contains 5 items —

Item 1 Replaces the existing definitions of "Commonwealth" and "Commonwealth entity" to reflect changes to Commonwealth legislation.

Item 2 Corrects an incorrect subsection reference in section 8.

(continued over page)

Item 2A brings the existing provisions of the principal Act into line with the terminology of the changes proposed and makes a correction in terminology. Thus reference is now made throughout to "breath test" rather than "breath analysis". "Blood test" is the expression used with respect to blood rather than "analysis".

Item 3 inserts 6 new sections into the principal Act. These are —

Section 32A to provide a power to conduct random breath testing. A police officer can request any person to take a breath test if the officer is satisfied that the person is or was driving a motor vehicle on a road or

otherwise in a controlling position with respect to the vehicle or the driver. Before a breath test is done a police officer may require a person to take a preliminary breath test to ascertain if there is any indication of alcohol in the person's breath. A police officer may require a person to stop a vehicle and if the driver does not do so an offence is committed.

Section 32B provides that a person may be arrested if as a result of the testing the alcohol concentration exceeds those set out in the section.

Section 32C provides for the conduct of random testing of oral fluids for prescribed illicit drugs. The provision mirrors that for alcohol testing.

Section 32D provides for the arrest of persons testing positively for illicit drugs and mirrors the provision for alcohol testing.

Section 32E makes provision for having oral fluid samples tested following the arrest of a person.

Section 32F provides for the taking of a blood sample in order to determine the presence of illicit drugs.

Item 4 makes consequential changes to the regulation making power concerning alcohol and drug testing in section 56(9) of the principal Act.

STANDARD TIME BILL 2015

STAENDAD TAIM BIL 2015

This Bill proposes to change the Standard Time for Norfolk Island. At present Norfolk Standard Time is 11.5 hours ahead of Greenwich Mean Time, a time zone that is not recognised in any other place.

This has become inconvenient in recent years with the growth of the internet and use of computers that do not allow for a change to Norfolk Time.

Dated 15 April 2015

GAYE EVANS
CLERK TO THE LEGISLATIVE ASSEMBLY

PLANNING ACT 2002 **VARIATION OF THE NORFOLK ISLAND PLAN 2002**

I, Ronald John Ward, Minister for the Environment, under section 14 of the *Planning Act 2002*, give notice that on 15th April 2015 the Legislative Assembly by resolution –

- under subsection 12(4) of the Act approved the draft plan laid before the Legislative Assembly, being a variation to the Norfolk Island Plan 2002; and
- under subsection 13(1) of the Act declared that the date of commencement of the approved Plan is 24th April 2015.

The following statements are also provided for the purposes of section 14 of the Act –

- (a) The aim and intent of the variation to the Norfolk Island Plan 2002 is to allow for the subdivision of Portion 21b2 Selwyn Pine Road into two portions, one with an area of 8,000 sqm and one with an area of 3,360 sqm. The inclusion of this subdivision in Schedule 2 of the Norfolk Island Plan 2002 will have the effect of allowing for the creation of two portions, one with an area smaller than the standard minimum area required under clause 16(1)(a) of the Norfolk Island Plan 2002, in accordance with Development Application (DA) 0041/14, which may be determined (determination pending).
- (b) No changes were made to this variation to the Norfolk Island Plan 2002 since it was made available for public inspection.
- (c) On the date of commencement of the approved plan the Norfolk Island Plan 2002 as varied by the approved plan becomes the Plan for the purposes of the Act; and
- (d) The Norfolk Island Plan 2002 is available for inspection at the Planning Office, New Military Barracks, Quality Row, Kingston during ordinary office hours.

Dated 23 April 2015

R.J. WARD
MINISTER FOR THE ENVIRONMENT

IMMIGRATION ACT 1980
DECLARATION OF GRANT OF RESIDENCY

I, Robin Adams, Minister for Cultural Heritage and Community Services, under section 33 of the *Immigration Act 1980*, grant a declaration under section 29 of the Act sought by —

Enie Joseph Madden

to be a resident of Norfolk Island.

Dated 17 April 2015

ROBIN ADAMS
MINISTER FOR CULTURAL HERITAGE AND COMMUNITY SERVICES

IMMIGRATION ACT 1980
DECLARATION OF GRANT OF RESIDENCY

I, Robin Adams, Minister for Cultural Heritage and Community Services, under section 33 of the *Immigration Act 1980*, grant a declaration under section 29 of the Act sought by —

Toga Tikoimatuku

to be a resident of Norfolk Island.

Dated 17 April 2015

ROBIN ADAMS
MINISTER FOR CULTURAL HERITAGE AND COMMUNITY SERVICES

IMMIGRATION ACT 1980
DECLARATION OF GRANT OF RESIDENCY

I, Robin Adams, Minister for Cultural Heritage and Community Services, under subsection 34(1) of the *Immigration Act 1980*, give notice of the grant of a declaration sought by —

Vutaeli Neiqisa Wakawaka

under section 29 of *the Act*, to be declared to be a resident of Norfolk Island.

Dated 17 April 2015

ROBIN ADAMS
MINISTER FOR CULTURAL HERITAGE AND COMMUNITY SERVICES

IMMIGRATION ACT 1980
APPLICATION FOR GRANT OF RESIDENCY

I, Robin Adams, Minister for Cultural Heritage and Community Services, under section 34(1) of the *Immigration Act 1980*, advise that —

Marryane Louis Osborne
Veniana Mada Osborne

has applied under section 29 of the Act to be declared to be a resident of Norfolk Island.

Dated 17 April 2015

ROBIN ADAMS
MINISTER FOR CULTURAL HERITAGE AND COMMUNITY SERVICES

IMMIGRATION ACT 1980
APPLICATION FOR GRANT OF RESIDENCY

I, Robin Adams, Minister for Cultural Heritage and Community Services, under section 34(1) of the *Immigration Act 1980*, advise that —

Kalesi Nainika Naiteitei

has applied under section 29 of the Act to be declared to be a resident of Norfolk Island.

Dated 17 April 2015

ROBIN ADAMS
MINISTER FOR CULTURAL HERITAGE AND COMMUNITY SERVICES

IMMIGRATION ACT 1980
APPLICATION FOR GRANT OF RESIDENCY

I, Robin Adams, Minister for Cultural Heritage and Community Services, under section 34(1) of the *Immigration Act 1980*, advise that —

Vunise Tayaga Kotobalavu

has applied under section 29 of the Act to be declared to be a resident of Norfolk Island.

Dated 17 April 2015

ROBIN ADAMS
MINISTER FOR CULTURAL HERITAGE AND COMMUNITY SERVICES

PLANNING ACT 2002 – SUBSECTION 43(1) NOTICE

Applicant: Darren Bates
Development Application No: 0012/15
Location: Portion 47h1 Stockyard Road
Proposed Development: Change of Use to Residence – Accommodation Unit
Zone: Rural Residential
Category: Permissible (with consent)



Public Exhibition

The public is advised that Darren Bates has lodged a Development Application for a change of use from Residence – Dwelling House to Residence – Accommodation Unit at Portion 47h1 Stockyard Road. This Development Application may be inspected, during business hours, at the Planning Office at the Administration of Norfolk Island, New Military Barracks, Kingston.

Submission

Any person may, during the period between Friday 24th April and Friday 8th May 2015 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 objections must be specified in the submission.

Reviewable decisions

A decision made on this Development Application by the Minister 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 Act.

Dated 22 April 2015

JODIE BROWN
CONTRACT PLANNING OFFICER