



Norfolk Island Government Gazette

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NORFOLK ISLAND GOVERNMENT GAZETTE NO. 36

Friday 30 September 2022

BUSINESS TRANSACTIONS (ADMINISTRATION) ACT 2006

URGENT & IMMEDIATE - ATTENTION REQUIRED – WARNING NOTICE

It has come to the attention of this office that there may be instances where the requirements of the Business Transactions (Administration) Act 2006 (the Act) are not being met by businesses across Norfolk Island and that business transactions which attract liability to pay the business transaction levy (BTL) are occurring where the statutory business transactions levy owing for leviable property is not being paid contrary to law.

Business Transactions Levy or BTL is a statutory stamp duty on all non-land business or business-related transactions other than those excused or exempted under the BTL legislation. For example, company share transfers are usually BTL liable transactions (see also requirements of Land Titles Act 1996 for companies wanting to own land on Norfolk Island). As the Act has not been repealed and BTL is still payable in Norfolk Island, the statutory provisions requiring payment of a levy still apply to leviable property and unless the property is not leviable property or exempt property, the rate of levy remains at 4% of the leviable property. The definition of what is “leviable property” can be found in the Act.

To ensure that there is full compliance with the Act and that court action is not required to enforce the law relating to BTL and prosecute any offences, it is requested that all the respective parties to a liable business transaction immediately familiarise themselves with the provisions of the Act and the BTL payment provisions. Section 10(1)(a) of the Act provides that the conveyee (recipient of the business transaction transfer) is the person who is liable for the payment of the levy. There are penalties for failure to comply with these legal requirements and relevant business transactions can be delayed or frozen until there is full compliance with the legislation.

Business owners who are uncertain if the sale of their business is liable to pay BTL should obtain professional legal advice.

Dated: 28 September 2022

ALLEN BATAILLE
Business Transactions (Administration) Act 2006, Authorised Officer

LAND TITLES ACT 1996

URGENT & IMMEDIATE - ATTENTION REQUIRED – WARNING NOTICE

COMPANY OWNERSHIP OF LAND IN NORFOLK ISLAND

It has come to the attention of the Land Titles Registry office that there may be instances where the requirements of company land ownership provisions of the *Land Titles Act 1996 (Norfolk Island)* (the Act) are not being met or not met properly by companies owning land or seeking registration as landowners in Norfolk Island.

It doesn't matter under what law any company was originally established (Australia, Norfolk Island or another place) or whether the land will be a company asset or will be used as company title/community title land – the company must still fully comply with the Act where the land is on Norfolk Island.

Companies are at serious risk of not having their land ownership recognized or registered and are also in danger of the Registrar of Titles having to exercise his statutory powers to seize and sell the land of a non-complying company – see at section 55B(5) of Division 8A, sections 55A to 55F of the Act.

Companies are prohibited from owning land in Norfolk Island unless and until they fully comply with the Land Titles Act requirements.

Companies are encouraged to urgently obtain their own professional independent legal advice immediately to ensure they are fully compliant with the law in Norfolk Island as this Office cannot provide any legal advice.

The Registrar of Titles will shortly be communicating directly with non-compliant companies to notify them of the Registrar's intention to exercise the available statutory powers in the absence of immediate remedial action by the company concerned.

As the Act has not been repealed, compliance is still always required with the law of Norfolk Island.

Allen Bataille
Registrar of Titles (Land Titles Act 1996) / Registrar of Lands (Conveyancing Act 1913)

The Norfolk Island Court of Petty Sessions will sit in Norfolk Island commencing Tuesday 4th October 2022 at 3:00pm in the court house, Kingston.

Dated: 27 September 2022

**A.V. BATAILLE
Clerk of the Court of Petty Sessions**

NOTICE TO CONSUMERS THAT ELECTRICITY PRICES HAVE INCREASED

Due to substantial increases in the cost of fuel globally, Council introduced a Diesel Price Volatility Charge into the fees and charges from the 1st of July 2022.

This gave Council the ability to manage higher fuel prices by increasing the rate per kWh charged to consumers in line with higher fuel costs.

To cover costs, Council needs to charge an extra 3 cents per kWh for every ten cents per litre that diesel has gone up.

Unfortunately, as diesel has gone up by 40 cents per litre in recent months, we have **increased the rate per kWh by 12 cents.**

The increase (from 72 cents to 84 cents per kWh) will be reflected in the September quarter invoices that will be **due on the 30th of November.**

It should be noted that rates have remained at between 70 and 72 cents per kWh for the past three years and that this increase will be wound back should diesel prices reduce.

PLANNING ACT 2002 (NI) – SUBSECTION 43(1) NOTICE

DEVELOPMENT APPLICATIONS

1. Development Application No.: DA.BA 33/2021-2

Applicant: Norfolk Island Regional Council
PO Box 95, NORFOLK ISLAND NSW 2899,
Location: Portion(s) Lot: 1 Sec: 29 Por: 183 Sh: 93, 98 Ferny Lane (a) NORFOLK ISLAND 2899
Proposed Development: Modification to approved Plans to include additional stockpile bays
Zone: Airport / PART Special Use
Category: Permissible (with consent)

Public Exhibition

This Development Application may be inspected, during business hours, at the Planning Office at the Norfolk Island Regional Council, New Military Barracks, Kingston. The Development Application may also be viewed at Council's website at <http://www.norfolkisland.gov.nf/your-council/council-documents/documents-public-exhibition>.

Submission

Any person may make written submissions to the General Manager about this Development Application. Submissions must be made in writing and either emailed to planning@nirc.gov.nf or posted to PO Box 95 Norfolk Island 2899; or hand delivered to Customer Care. All submissions must state the relevant Development Application number. All submissions must be received within fifteen (15) days of publication of this Notice and 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

Decisions made on this Development Application under the *Planning Act 2002 (NI)* are reviewable decisions within the meaning of subsection 78(1) of the Act.

Dated: 29 September 2022

**PHILIP REID
Manager Planning and Development**
