



Norfolk Island Government Gazette

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NORFOLK ISLAND GOVERNMENT GAZETTE NO. 44

Friday 23 September 2005

OCTOBER SITTING OF THE LEGISLATIVE ASSEMBLY OF NORFOLK ISLAND

At the sitting of the Legislative Assembly on 21 September 2005 the House resolved to adjourn until Wednesday 19 October 2005 at 10.00am

Dated 22 September 2005.

ROBIN-ELEANOR ADAMS
CLERK TO THE LEGISLATIVE ASSEMBLY

BILLS PRESENTED IN THE LEGISLATIVE ASSEMBLY ON 21 SEPTEMBER 2005

The following Bills were presented:

Customs (Amendment No. 2) Bill 2005

This Bill proposes to prohibit the importation of helicopters into Norfolk Island without prior consent of the Administrator and for the administrator's consent to be for such purposes and for such period as the executive member recommends. The amendment is intended to ensure that the amenity of the Island and the welfare of its residents can be maintained. The Bill passed through all stages.

Evidence (Amendment No. 2) Bill 2005

This Bill consists of 3 principal amendments to the *Evidence Act 2004* which make provision concerning judicial warnings about the evidence of children and then inserts the remaining provisions of *the Evidence Act 1960* into a new Chapter 5A "Taking evidence in particular circumstances", and provisions concerning audio visual evidence into new Chapter 5B "Taking evidence by audio/visual links".

The amendments largely take account of the existing Evidence Act being substantially the Uniform Evidence Act in place in various States and so places the major changes into separate chapters. It has been thought useful to the Courts and to practitioners for these changes to be placed in the Evidence Act rather than separate legislation as in other places.

The changes to the evidence of children is intended to remove any rule that when a child gives evidence there should be any warning given as a generality that the evidence of children is unreliable or requires corroboration but empowers a judge to give such a warning in relation to a particular child only if requested to do so and if the judge is satisfied that in the particular circumstances such a warning is warranted.

Business Transactions (Administration) Bill 2005

This Bill is introduced in order to provide for the raising of revenue from various forms of transaction involving the sale of businesses or business related interests carried on in Norfolk Island. It is the case that the sale of land involves the payment of an ad valorem levy (levy based upon the value or sale price) imposed at the point when land transfers are presented for registration but the sale of a business which may involve very large amounts are not dealt with – even if they are connected with the sale of land. Such sales can involve avoidance where land value is reduced and business value increased.

This Bill is something that is well within the knowledge and experience of the legal and real estate fraternity as well as business owners and is aimed at providing a framework for determining what kinds of transaction is subject to levy. The Bill has some basis in the Taxation (Administration) Act 1978 of the Northern Territory but is half as long. A separate Bill, the *Business Transactions (Levy Imposition) Bill 2005*, is intended to actually impose the levy and provide exemptions.

The Bill imposes a levy (fixed by the *Business Transactions (Levy Imposition) Bill 2005* at 3% on the conveyance (sale) of leviable property. This includes such things as the sale of a business (including a partnership interest) including its goodwill, trademarks, patents, or licences, but not such things as the stock in trade, cash that passes with the business, livestock or motor vehicles that must be registered. The levy is payable by the person to whom the interest is transferred or conveyed.

Business Transactions (Levy Imposition) Bill 2005

This Bill is introduced in order to provide for the setting of the rates of levy chargeable upon certain transactions and in compliance with the *Business Transactions (Administration) Bill 2005*. The Bill requires that it be read in conjunction with the *Business Transactions (Administration) Bill 2005* and it is this Bill that determines the rates of various levies payable as well as determine what transactions are exempt. The transactions that are leviable and exempt are described in the schedules.

The principle levy is an ad valorem levy on the conveyance of interests (other than land) where the effective rate is 3% which is the same as for land transactions under the *Land Administration Fees Act 1996*. Some minor forms of documentation attract a nominal levy. Exempt transactions are those that involve the Administration or the Commonwealth or a State or Territory, statutory vesting of property (that is by operation of law), transfers of property on the winding up of a company, and transfers between spouses or de facto couples.

Summary Offices Bill 2005

The purpose of the Bill is to repeal and up-date matters covered by the *Police Offences Act 1933* that was last amended in 1993. The existing legislation deals with a number of issues that are not relevant to Norfolk Island, are already dealt with in other legislation, provide penalties that are not appropriate, are poorly expressed or require bringing up-to-date for modern life.

This Bill, while not effecting many significant reforms or changes does make provision for animal welfare and has been prepared as a part of the "justice reform" package of legislation that has been underway for some years. It is intended to fit with the intended *Criminal Code Bill* (that is proposed to replace the *Criminal Law Act 1960* that in turn applies the *NSW Crimes Act 1900*), The *Bail Bill*, (that will be proposed to provide a guide for the courts in granting bail), and the *Children and Young Persons Bill* (that will be proposed to make extensive reform and provision for the protection of children and young persons, and for the Children's Court jurisdiction of the Court of Petty Sessions). Further proposed changes updating the Court of Petty Sessions Act and a Sentencing Bill will further consolidate the justice reform package.

Liquor Bill 2005

This Bill stands as substitute for the Liquor Licensing Bill 2005 that was referred to the Impact of Bills and Subordinate Legislation Committee. That Committee tabled its report on 16 March last and this Bill gives effect to most of those recommendations of the Committee. As with the previous Bill, the purpose of this Bill is to give effect to the 1999 Report of the Review Group into Liquor Supply on Norfolk Island and taking into account views expressed by the public and interest groups at that time and in appearances before the Committee. It gives particular regard to processes for encouraging the save and sensible consumption of liquor which are intended to be prescribed in detail in Regulations and Board directives.

Bail Bill 2005

This Bill forms part of the "Justice Package" of legislation the drafting of which commenced some time ago and consists of the general system of prescriptive and procedural law applicable in Norfolk Island. To date this has included the *Evidence Act 2004* (which brought the evidence laws of Norfolk island into line with that in other parts of the Commonwealth), and the *Crimes (Forensic Procedures) Act 2002* (which provided the ability for the first time for law enforcement officers to make use of the latest facilities available for investigating crime).

This Bill is a further extension of this and is relatively simple in concept dealing with a discrete area of criminal law - procedure and process - that of allowing, where appropriate, accused persons to be free from incarceration pending a determination of their cases and the fixing of the terms and conditions upon which that may occur.

Copies of these Bills free of charge may be obtained from Mrs Jan Keeping, Legal Services, Norfolk Island Administration, Kingston. These Bills are also available on the internet at www.info.gov.nf.

Dated 22 September 2005.

ROBIN-ELEANOR ADAMS
CLERK TO THE LEGISLATIVE ASSEMBLY

TENDER NO. PBP 5550
REFURBISHMENT OF KINGSTON PIER
NORFOLK ISLAND

The Administration of Norfolk Island invites companies to submit tenders for the Refurbishment of Kingston Pier, Norfolk Island. Kingston Pier is an important heritage stone wharf constructed from locally sourced calcarenite stone, using convict labour between 1839 and 1847. The Kingston Pier and adjacent seawall are the earliest remaining large-scale engineering works in Australia. An anchored sheet pile wall (now corroded) was installed along part of the pier in 1953. The pier has been in use for over 150 years as a cargo transfer facility and is considered an irreplaceable part of the Norfolk Island infrastructure.

The main items of work to be carried out in the refurbishment include:

- underpinning of stonework and installation of mini piles
- installation of a new steel sheet pile wall and anchor system
- upgrading of boat ramp
- repairs to stonework
- provision of a new reinforced concrete deck.

A pre-tender meeting is to be attended by all tenderers at 10.00am on Thursday, 6 October 2005, at Kingston Pier, Norfolk Island, South Pacific. Attendance at the meeting by the tenderer or a component representative is a condition precedent to the submission of a tender. All costs associated with the tenderer's attendance on Norfolk Island for this meeting, shall be borne by the tenderer.

Tender documentation and further information is available from:

Mr Simon Batt
Patterson Britton & Partners
Telephone: 61 2 9957 1619
e-mail: simonb@patbrit.com.au

A non-refundable fee of \$165 including GST is required to obtain a copy of the tender documentation.

Tender closing date: 4.00pm (Sydney Time) Tuesday 25 October 2005

Tender Box:
Patterson Britton & Partners
Level 4 , 104 Mount Street
North Sydney, NSW 2060
AUSTRALIA

The Administration of Norfolk Island is not obliged to accept the lowest or any tender.

Dated 15 September 2005.

STEPHEN MATHEWS
ACTING CHIEF EXECUTIVE OFFICER

IN THE SUPREME COURT)
NORFOLK ISLAND)
PROBATE JURISDICTION) **NO. P.3 of 2005**

IN THE ESTATE of BRUCE ELSON BUFFETT
Late of Taylors Road, Norfolk Island, deceased

NOTICE OF FILING ACCOUNTS

NOTICE is given that the accounts in the above estate have been filed in my office, and all persons having any claim on the estate, or being otherwise interested, are required to come in before me at my office on or before the 10th October 2005 at 10.00 o'clock in the forenoon and inspect the same and if they shall think fit object; otherwise if the accounts be not objected to the same will be examined by me and passed according to law.

Dated this 20th day of September 2005.

ALLEN BATAILLE
REGISTRAR OF THE SUPREME COURT

“POTHOLE PATCHING & ASSOCIATED ROAD MAINTENANCE WORKS”
TENDER NO - 09/05

Tenders are invited by the Roads GBE of the Administration for “Pothole Patching and Associated Road Works” for a period of 6 months with a possible extension of service of up to 12 months.

Suitable contractors are asked to supply information needed to ascertain suitability to undertake works required. The contract will involve two people working as a team, undertaking pothole patching and associated road maintenance works Island wide, under the direction of an Administration Supervisor.

The contractor will be required to provide a suitably registered truck for the length of the works. This vehicle will be fueled and maintained at the expense of contractor to a suitable standard, the contractor will also need to supply all relevant plant/equipment required to undertake pothole patching and associated road maintenance works.

The Administration will provide all materials required for pothole patching and associated road maintenance works. The contractor will need to also submit the following as part of the contract for work —

- a suitable Risk Management Plan.
- a suitable Traffic Management Plan.
- a suitable Environment Management Plan.

A suitable contract price should be based on two rates —

1. a price per kilometer of bitumen pavement patched; and
2. an hourly rate covering the cost of contractor/ vehicle/plant required.

Further inquiries regarding this contract should be directed to the Manager – Public Works – Mike Johnston on phone 22006 or mobile 80271.

Tenders should be placed in a sealed envelope and marked “Pothole Patching & Associated Road Maintenance Works” – Tender no 09/05 and placed in the tender box situated in the Records Section, 2nd floor of the Administration Offices Kingston, by close of business Monday 26/09/05.

The lowest or any tender need not necessarily be accepted.

There will be a public opening at 9.00am Tuesday 27/09/05 in the Records Section, 2nd floor of the Administration Offices Kingston.

Dated 15 September 2005.

MIKE JOHNSTON
MANAGER – PUBLIC WORKS

LAND TITLES ACT 1996
APPLICATION FOR REGISTRATION OF TITLE

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

Applicant	Lot	Section	Portion	Road
G.W. & C.B. Rayner	185	2	34b1	Martins Road
	186	2	34c1	Martins Road
	187	2	34d1	Martins Road
	188	2	34e1	Martins Road

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 Offices, Kingston.

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

Dated 21 September 2005.

ALLEN BATAILLE
REGISTRAR OF TITLES

NORFOLK ISLAND
ELECTRICITY SUPPLY ACT 1985
NOTICE TO CONSUMERS

PLEASE NOTE THAT:

Pursuant to subsection 9 (1) of the *Electricity Supply Act 1985*, authorised officers will be entering lands island wide in Norfolk Island on 26th, 27th, 28th, 29th and 30th September 2005 between the hours of 7.00am and 5.00pm for the purpose of reading Electricity Meters.

All dogs on lands in the abovementioned times should be securely tethered or housed to allow the authorised officers to carry out their duty in safety.

Failure to securely tether or house a dog will result in an electricity meter not being read.

If an electricity meter on any land is not read as a result of a dog not being securely tethered or housed. The electricity supply to that land may be assessed.

Persistent failure to comply with the request to restrain dogs at the times when the meters are to be read, may cause a disconnection of the service.

Dated 9 September 2005.

JOHN CHRISTIAN
ELECTRICITY MANAGER

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*.

DA Number	Applicant	Location	Proposed Use and/or Development	Decision
0031/05	Mr Don Taylor (for Mr Nicolai Jorgensen)	Portions 43e4 and 43e13 Cutters Corn Road	Boundary adjustment	Approved, subject to conditions on 6th September 2005
0034/05	Ms Angela Keogh	Portion 46i3 Collins Head Road	Clearing of scrub and erection of two dwelling houses	Approved, subject to conditions on 6th September 2005
0037/05	Mr Paul Yelavich	Portion 36z Ferry Lane	Extension to panel beating and spray painting workshop to provide for an office, storage and larger work area.	Approved, subject to conditions on 6th September 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.

Dated 21 September 2005.

MIRIAM MATHEW
PLANNING OFFICER
SECRETARY TO THE PLANNING AND ENVIRONMENT BOARD

TENDER RESULTS
ADMINISTRATION OF NORFOLK ISLAND

TENDER ITEM	SUCCESSFUL TENDER	AMOUNT
Kingston Pier Sheet Piling Quotation	Christian-Bailey Agencies	\$269,281.00

Dated 21 September 2005.

P.E. BUFFETT
RECORDS OFFICER
