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Administration and Probate

ADMINISTRATION AND PROBATE ACT 1935

Notice of Application to Reseal Probate

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof Matthew Moretti of 31 Nepean Towers Avenue Glen Alpine NSW 2560 and Deborah Ann Wilson of 22 Lilly Pilly Way Kiama NSW 2533 the Executors of the Will of CARMEL BERNADETTE MORETTI late of 15 Catherine Avenue Lurnea NSW deceased to whom probate of the said will was granted by the Supreme Court of New South Wales on the twelfth day November two thousand and thirteen will apply to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that the seal of the said Supreme Court of Tasmania may be affixed to the said probate pursuant to Part VI of the Administration and Probate Act 1935.

RMB LAWYERS, Lawyers for the Estate.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of GAVIN HUNTER MOONEY professor late of 101 Bennetts Road Mountain River in the State of Tasmania deceased intestate may be granted to Katherine Michelle Weston Solicitor of 101 Bennetts Road Mountain River in the State of Tasmania the step-daughter of the said Gavin Hunter Mooney deceased and Alexander William Soares student of 101 Bennetts Road Mountain River in the State of Tasmania the step-son of the said deceased in their capacity as attorneys for the deceased's siblings and next-of-kin Grant Mooney and Helen Goulder Whitelaw who have the priority of right to a grant of administration.

Dated the eighteenth day of November 2013.

ELIZABETH O'SULLIVAN, Solicitor for the applicants.

Tasmanian Government Gazette

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ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of RODNEY THOMAS BROWN late of 211 Mersey Main Road Spreyton in Tasmania bachelor/mechanic deceased intestate may be granted to Matilda Joan Barber of 20 Alberta Street Latrobe in Tasmania widow/home duties the mother of the deceased and Brian Anthoine Blackaby of 239 Gilbert Street Latrobe in Tasmania married man/retired council employee the uncle of the said deceased.

Dated this twenty-seventh day of November 2013.

PAUL SULLIVAN, Solicitors for the Applicant.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from this publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of MAUREEN KATHLEEN LYNCH late of Umina Park Nursing Home Mooreville Road Burnie in Tasmania home carer/spinster deceased intestate may be granted to Paul Joseph McGrath of 552 Ridgley Highway Burnie in Tasmania married man/solicitor the lawful attorney of Francis George Lynch of 14 Oakland Drive Warrandyte in Victoria married man/company director the brother of the said deceased.

Dated this twenty-seventh day of November 2013.

McGRATH & CO, Solicitors for the Applicants.

Notices to Creditors

THE Estate of DAVID MURISON BOURN also known as STEVEN JAMES WHITMORE late of 867 Black Hills Road Black Hills Tasmania: Peter Francis Tierney as Personal Representative of the Estate of David Murison Bourn also known as Steven James Whitmore gives notice in accordance with section 25A of the Trustee Act 1898 that: He intends to distribute the property subject to the Estate among the persons entitled to the Estate. He requires any person interested in that Estate to send to him care of Tierney Law Level 1 18 Elizabeth Street Hobart Tasmania 7000 on or before the sixth day of January 2014 particulars of the claim in respect of that Estate. He may at any time after that date distribute the Estate having regard only to the claims of persons of which he then has notice and without being liable for the Estate so distributed to any person of whose claim he had no notice at the time of the distribution.

Dated this twentieth day of November 2013.

PETER FRANCIS TIERNEY,
as Personal Representative of the Estate.

IN the Will of EARDLEY THOMAS JOHNSON formerly of Unit 2 10 Chardonnay Drive Berriedale in Tasmania but late of Compton Downs Nursing Home Old Beach in Tasmania retired farmer single deceased: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased

are required by the Executors Robert John Badenach and David Milne Whitehouse care of Murdoch Clarke of 10 Victoria Street Hobart in Tasmania to send particulars to the said Executors and to the Registrar of the Supreme Court of Tasmania on or before the eighth day of January 2014 after which date the Executors may distribute the assets having regard only to the claims of which the Executors then have notice.

Dated this twenty-seventh day of November, 2013.

MURDOCH CLARKE, Solicitors to the Estate.

IN THE ESTATE of RAYMOND RICHARD PHILLIPS of 111 Bowens Road York Town in Tasmania retired tug master deceased: Creditors next-of-kin and others having claims in respect of the property or Estate of the deceased Raymond Richard Phillips of 111 Bowens Road York Town in Tasmania retired tug master who died on the eleventh day of January 2013 at York Town in Tasmania are required by the Personal Representatives Richard Alan Phillips of 111 Bowens Road York Town in Tasmania manager/married and Norelle Gre Phillips of 23 Prophets Road Holwell in Tasmania retired manager/single to send particulars of such claim or claims to the Registrar (Probate Division) Supreme Court of Tasmania Salamanca Place Hobart in Tasmania by the eighth day of January 2014 after which date the Personal Representatives may distribute the assets having regard only to the claims of which they then have notice.

Dated this twenty-seventh day of November 2013.

Richard Alan Phillips & Norelle Gre Phillips
by their Solicitor DARRELL GREY.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 16 and Section 18)

IN PURSUANCE of Section 16 and Section 18 of the *Land Acquisition Act 1993*, I Simone Watson, General Manager of the Huon Valley Council, an Acquiring Authority for the purposes of the *Land Acquisition Act 1993* do hereby declare that the land in the Schedule hereto is taken and vested in the Huon Valley Council absolutely under the said Act for the purpose of the establishment of a local highway, as defined by section 3 of the *Local Government (Highways) Act 1982* pursuant to Section 176 of the *Local Government Act 1993*.

Given under my hand this 21st day of November 2013.

S. WATSON, General Manager,
Huon Valley Council,
40 Main Street, Huonville.

Schedule

All that 2753 square metres of land situate in the Town of Dover being lot 2 on Plan of Survey P166033 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 235507 Folio 1 of which Huon Eldercare Inc. is the registered proprietor.

Location – Town of Dover
Municipal Area – Huon Valley

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

IN PURSUANCE of Section 18 of *Land Acquisition Act 1993* ("the Act"), Tasmanian Irrigation Pty Ltd ACN 133 148384 (being an acquiring authority in accordance with the Act) does hereby declare that the land described in Schedule I hereto is taken and vested in Tasmanian Irrigation Pty Ltd absolutely under the Act for the authorised purpose under the Irrigation Company Act 2011 being for the construction, operation and maintenance of infrastructure required for the proposed Dial Blythe Irrigation Scheme.

Given under my hand this 22nd day of November, 2013.

For and on behalf of Tasmanian Irrigation Pty Ltd

CHRIS OLDFIELD, Chief Executive Officer
for Tasmanian Irrigation Pty Ltd, PO Box 84,
EVANDALE TAS 7212.

SCHEDULE 1-Freehold Land

All that 3.588 hectares or thereabouts of land situate in the Parish of Riana, Land District of Devon being lot 1 on Plan of Survey P 166986 in the Office of the Recorder of Titles and being part of lot 1 on Plan D389065 comprised in Folio of the Register Volume 38906 Folio 1 of which Frank Wendelin is the registered proprietor.

Royal Assent

Government House
Hobart Tasmania
19 November 2013

HIS Excellency the Governor has this day in the name of Her Majesty The Queen assented to the following Bills:—

A Bill for an Act to amend the *Local Government Act 1993* and the *Building Act 2000*.
Local Government (Miscellaneous Amendments) Act 2013
(Act No. 52 of 2013)

A Bill for an Act to amend the *Racing Regulation Act 2004*.
Racing Regulation Amendment (Bookmaker Betting) Act 2013
(Act No. 53 of 2013)

A Bill for an Act to amend the *Commissions of Inquiry Act 1995*.
Commissions of Inquiry Amendment Act 2013
(Act No. 54 of 2013)

A Bill for an Act to amend the *Motor Accidents (Liabilities and Compensation) Act 1973*.
Motor Accidents (Liabilities and Compensation) Amendment Act 2013
(Act No. 55 of 2013) A Bill for an Act to validate certain administrative actions taken for the purposes of the *Traffic Act 1925*, to amend the *Heavy Vehicle National Law (Tasmania) Act 2013* and for related purposes.
Heavy Vehicle Accreditation Scheme Validation Act 2013
(Act No. 56 of 2013)

A Bill for an Act to adopt in Tasmania a national law relating to electronic conveyancing.
Electronic Conveyancing (Adoption of National Law) Act 2013
(Act No. 57 of 2013)

A Bill for an Act to amend the *Abt Railway Development Act 1999*.
Abt Railway Development Amendment Act 2013
(Act No. 58 of 2013)

By His Excellency'S Command

DAVID OWEN, Official Secretary.

Water Management

WATER MANAGEMENT ACT 1999

Section 11 Exemption Order

Watercourse Authorities within Specified Irrigation Districts

I, BRYAN GREEN, Minister for Primary Industries and Water, acting pursuant to Section 11 of the *Water Management Act 1999* hereby exempt all dam owners located within the following Irrigation Districts:

- (1) River Clyde Irrigation District;
- (2) Cressy Longford Irrigation Water District;
- (3) Lake Leake/Elizabeth/Macquarie Rivers Irrigation District; and
- (4) Tooms Lake/Macquarie River Irrigation District;

who wish to convey stored water via any watercourse located within the Irrigation District to a water user within the same Irrigation District from obtaining a Watercourse Authority under Part 6A of this Act, subject to the following conditions:

- (1) the dam owner obtaining the prior approval from the relevant Responsible Water Entity to convey the water.

This exemption takes effect on the day upon which it is gazetted and remains in force for a period of 1 year unless otherwise revoked.

Expressions used in this exemption have the same meaning as in the *Water Management Act 1999*.

BRYAN GREEN, Minister For Primary Industries and Water.

Dated this 27th day of November 2013

Information

The purpose of this Order is to exempt owners of dams within an Irrigation District, who wish to convey stored water via a watercourse, from having to apply to the Minister for a Watercourse Authority under Part 6A of the *Water Management Act 1999*, where the responsible water entity has been granted approval to administer the authorisation of this activity, and subject to the dam owner obtaining the prior approval from the water entity to convey the water.

Water and Sewerage

WATER AND SEWERAGE CORPORATION ACT 2012

Section 28

Notice of Transfer of Assets of Tasmanian Water and Sewerage Corporation Pty. Ltd (ABN 47 162 220 653) to Northern Midlands Council (ABN 70 695 934 223)

IN ACCORDANCE with the provisions of Section 28 of the Water and Sewerage Corporation Act 2012 ("the Act"), I, the HONOURABLE SCOTT BACON MP, Minister for Finance, do hereby give notice that I order the transfer of the following assets of the Tasmanian Water and Sewerage Corporation Pty. Ltd (ABN 47 162 220 653) ("Transferor") to Northern Midlands Council (ABN 70 695 934 223) ("Transferee"):

1. Assets

All property of any kind whether tangible or intangible, real or personal, present or future, whether arising from, accruing under, created or evidenced by or the subject of, an instrument or otherwise and whether liquidated or unliquidated, actual, contingent or prospective, to the extent that it relates, directly or indirectly, to those assets of the Transferor listed in Schedule A of this Notice.

2. Interpretation

In this Notice unless a contrary intention is apparent words or phrases or terms defined in the Act have meanings given to them in

3. Transfer Day

This order takes effect on the 1st December 2013.

SCOTT BACON, MP, Minister for Finance.

Schedule A

Assets

1. Non-Current Assets

(a) Property Plant and Equipment

Water Infrastructure

All water infrastructure that is, or is to be, used for:

- (i) collection or storage of water including from a dam or reservoir and water production plant; or
- (ii) the treatment of water; or
- (iii) the conveyance or reticulation of water; or
- (iv) any other infrastructure;

and used in connection with the water functions of the Transferor for the Elizabeth/Macquarie River water supply, including the Lake Leake and Tooms Lake catchments, for the purpose of servicing the townships of Campbell Town and Ross.

(b) Records

All registers, papers, documents, minutes, receipts, books of account and other records, however compiled, recorded or stored, to the extent that they relate, directly or indirectly, to the water and sewerage assets referred to in this Notice.

Living Marine Resources

LIVING MARINE RESOURCES MANAGEMENT ACT 1995

SECTION 54

PUBLIC NOTICE – PUBLIC EXHIBITION OF DRAFT ALTERATIONS TO THE MANAGEMENT PLAN AND *The Fisheries (General And Fees) Regulations 2006* REGARDING THE ABALONE FISHERY

I, ROBERT GOTT, Director (Marine Resources), in accordance with delegated authority under Section 20(2) of the *Living Marine Resources Management Act 1995* and Section 54 of that Act, hereby give notice that:

- The abalone fishery management plan (being the *Fisheries (Abalone) Rules 2009*) and the *Fisheries (General And Fees) Regulations 2006* regarding the abalone fishery, are to be altered;
- A person may submit written representations in relation to any proposed alteration;
- Copies of the proposed alterations may be viewed, or obtained at no cost, from the Licensing and Fisheries Monitoring Section of the Department of Primary Industries, Parks, Water and Environment (DPIPWE), located on the ground floor of the Marine Board Building, 1 Franklin Wharf, Hobart;
- The documents are exhibited on the DPIPWE website at www.dpipwe.tas.gov.au;
- The address to which representations may be sent is:

The Secretary
Attention: Matt Bradshaw
Department of Primary Industries, Parks, Water and Environment
GPO Box 44
HOBART TAS 7001
- Representations may be made in relation to these alterations from 27 November 2013 to 10 January 2014.

Dated this 19th day of November 2013

ROBERT GOTT, Director (Marine Resources).

Information:

The draft alterations to the management plan amend the *Fisheries (Abalone) Rules 2009* by: (a) updating definitions; (b) giving the Minister power to determine any part of the abalone fishery to be closed to, or in respect of, specified activities; (c) providing that a fishing licence (abalone dive) may only be granted to certain existing licence holders; (d) amending the time periods within which the holder of a fishing licence (abalone dive) must complete Part A of a commercial abalone dive docket; (e) changing the penalties for certain offences; (f) revising the schedule of infringement notice offences; and, (g) making minor consequential and miscellaneous amendments.

These draft Regulations amend the *Fisheries (General and Fees) Regulations 2006* by: (a) amending the regulations that relate to the minimum size of abalone that a diver may take or possess in certain waters; and, (b) making minor consequential and miscellaneous amendments.

For further information please telephone Wild Fisheries (03) 6233 3152 or 6165 3033.

*LIVING MARINE RESOURCES MANAGEMENT ACT 1995**FISHERIES (ABALONE) RULES 2009, RULE 9*NOTICE - DATES OF CLOSING OF THE COMMERCIAL BLACKLIP
ABALONE FISHERY IN STATE WATERS OFF THE SOUTH-WEST
COAST OF TASMANIA

I, ROBERT GOTT, Director (Marine Resources), acting under Rule 9 of the *Fisheries (Abalone) Rules 2009*, and delegated authority under Section 20(1) of the *Living Marine Resources Management Act 1995*, hereby determine:

that the dates of the closed season for the commercial abalone fishery for the taking of blacklip abalone (*Haliotis rubra*) for commercial purpose from State waters off the coast of the south-west of Tasmania are as follows:

- from 2 December 2013 to 31 December 2013, inclusive;

where: "State waters off the coast of the south-west of Tasmania" is defined to mean: those State waters off the south-west coast of Tasmania bounded in the north by the line of latitude 42° 35' 51.31" South that meets the west coast of the mainland of Tasmania at Meerim Beach, and in the south by the line of latitude 43° 34' 16.74" that meets the mainland of Tasmania at South-West Cape, but excluding those waters off the south coast of Tasmania east of South-West Cape.

Dated 22 November 2013

ROBERT GOTT, Director (Marine Resources).

Rules Publication

RULES PUBLICATION ACT 1953

NOTICE OF THE MAKING OF STATUTORY RULES

IN ACCORDANCE with the provisions of the *Rules Publication Act 1953*, notice is given of the making of the following statutory rules:—

Title of Act (if any) under which statutory rules made	Number allotted to statutory rules	Title or subject matter of statutory rules
(1) <i>Council of Law Reporting Act 1990</i>	S. R. 2013, No. 85	<i>Council of Law Reporting Order 2013</i>
(2) <i>Electricity Supply Industry Amendment (Feed-in Tariffs and Other Matters) Act 2013</i>	S. R. 2013, No. 86	Proclamation under section 2
(3) <i>Electricity Supply Industry Act 1995</i>	S. R. 2013, No. 87	<i>Electricity Supply Industry (Pricing and Related Matters) Amendment (Feed-in Tariffs) Regulations 2013</i>
(4) <i>Environmental Management and Pollution Control Act 1994</i>	S. R. 2013, No. 88	<i>Environmental Management and Pollution Control (General Fees) Amendment Regulations 2013</i>
(5) <i>Magistrates Court Act 1987</i>	S. R. 2013, No. 89	<i>Magistrates Court Order 2013</i>
(6) <i>Poisons Act 1971</i>	S. R. 2013, No. 90	<i>Poisons Amendment Regulations (No. 3) 2013</i>
(7) <i>Vehicle and Traffic Act 1999</i>	S. R. 2013, No. 91	<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations (No. 2) 2013</i>
(8) <i>Vehicle and Traffic Act 1999 and Vehicle and Traffic (Vehicle Operations) Regulations 2001</i>	S. R. 2013, No. 92	<i>Vehicle and Traffic (Vehicle Operations) Notice 2013</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) *Council of Law Reporting Order 2013*

This order amends the *Council of Law Reporting Act 1990* by substituting the name “The Tasmanian Bar” for the name “the Bar Association of Tasmania”.

(2) Proclamation under section 2 of the *Electricity Supply Industry Amendment (Feed-in Tariffs and Other Matters) Act 2013*

This proclamation fixes 1 January 2014 as the day on which the provisions of the *Electricity Supply Industry Amendment (Feed-in Tariffs and Other Matters) Act 2013* commence.

(3) *Electricity Supply Industry (Pricing and Related Matters) Amendment (Feed-in Tariffs) Regulations 2013*

These regulations make provision in relation to the making of determinations in respect of feed-in tariff rates, the obligations, in relation to feed-in tariff customers, of authorised retailers and recording and reporting obligations of distributors.

(4) *Environmental Management and Pollution Control (General Fees) Amendment Regulations 2013*

These regulations amend the *Environmental Management and Pollution Control (General Fees) Regulations 2007* by –

- (a) updating and revising certain provisions relating to fees for assessments undertaken by the Board; and
- (b) updating and revising Schedule 1 (Annual Fees and Assessment Fees) to those regulations.

(5) *Magistrates Court Order 2013*

This order amends the *Magistrates Court Act 1987* by omitting the reference to the Tasmanian Bar Association and substituting a reference to The Tasmanian Bar.

(6) *Poisons Amendment Regulations (No. 3) 2013*

These regulations amend the *Poisons Regulations 2008* in relation to –

- (a) the prescription of oral health therapists for the purposes of section 38(1)(i) of the *Poisons Act 1971*; and
- (b) the supervision of the administration of immunisations by certain registered nurses; and
- (c) the recognition of St John Ambulance and the Asthma Foundation of Victoria as approved providers of training in the administration of salbutamol; and
- (d) the labelling of certain medicines.

(7) *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Mandatory Alcohol Interlock) Regulations (No. 2) 2013*

These regulations amend the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2010* by extending the power of the Registrar, in specified circumstances, to exempt a person from the requirement to install an alcohol interlock in a vehicle.

(8) *Vehicle and Traffic (Vehicle Operations) Notice 2013*

This notice –

- (a) provides for the exemption, subject to conditions, of certain vehicles and combinations from the operation of certain provisions of the *Vehicle and Traffic (Vehicle Operations) Regulations 2001*; and
- (b) replaces the *Vehicle and Traffic (Vehicle Operations) Notice 2010*.

PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

'Anyone who has problems with, or feels they are adversely affected by, any of the above Regulations can write to the Secretary of the Subordinate Legislation Committee, Legislative Council, Parliament House, Hobart, 7000.'

RUTH FORREST, MLC, Chairperson.

Cities Councils

DEVONPORT CITY COUNCIL PARKING BY-LAW NO 1 OF 2013

BY-LAW made under section 145 of the *Local Government Act 1993* for the purpose of regulating and controlling the use of car parks belonging to or controlled by the Devonport City Council and section 100 of the *Local Government (Highways) Act 1982* for the purpose of prescribing compositions under that section.

PART 1

PRELIMINARY

SHORT TITLE

1. This By-law may be cited as the Car Parking By-law.

COMMENCEMENT

2. This By-law commences on the date it is published in the "*Tasmanian Government Gazette*".

APPLICATION

3. This By-law applies to all off street car parks in the municipal area of the City of Devonport operated by the Council.

INTERPRETATION

4. In this By-law:

"authorised officer" means any employee of the Council authorised by the General Manager for the purposes of this By-law;

"car park" means any area owned by or under the control of the Council and designated for the parking of vehicles and all buildings equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the car park;

"Council" means the Devonport City Council;

"General Manager" means the General Manager of the Devonport City Council;

"infringement notice" means a notice complying with sections 149 and 170 of the *Local Government Act 1993*;

"note" means the monetary unit of Australia as defined in the *Currency Act 1965*;

"park" means to leave a vehicle in a stationary position whether attended or not;

"parking space" means a space within a car park indicated by lines or other marks on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle within that space;

“penalty unit” means a sum prescribed under the provisions of the *Penalty Units and Other Penalties Act 1987*;

“registered operator” of a motor vehicle or trailer includes:

- (a) the meaning assigned to that expression in the *Vehicle and Traffic Act 1999*; or
- (b) the registered operator of the vehicle within the meaning of the law of another jurisdiction; or
- (c) in the case of a vehicle to which a trade plate or similar device is affixed under the *Vehicle and Traffic Act 1999* or the law of another jurisdiction – the person to whom the trade plate has been issued; or
- (d) in the case of a vehicle to which a short term unregistered vehicle permit or similar permit has been issued under the *Vehicle and Traffic Act 1999* or the law of another jurisdiction – the person to whom the permit has been issued.

“reserved car park” means an area designated by Council for long term parking;

“reserved parking space” means a space designated by Council for long term parking;

“shopping trolley” includes any wheeled apparatus used for conveying items from one place to another;

“trolley bay” means a place in a car park designated for the temporary storage of shopping trolleys;

“voucher” means a document issued by a voucher machine;

“voucher machine” is a device installed by or for Council that issues a voucher or document after the correct notes, coin or coins have been inserted and:

- (a) indicates that the holder may park a vehicle in a space in the car park where the voucher was purchased; and
- (b) bears the date and time of issue.

DRIVING OF VEHICLES

PAYMENT OF FEE

5. A person must not park a vehicle in a car park without payment of the fee required by the conditions of entry to that car park, which conditions are indicated by signs displayed in the car park.

Penalty: a fine not exceeding 5 penalty units

PARKING LONGER THAN MAXIMUM PERIOD

6. A person must not allow a vehicle to remain in a car park if a voucher machine is installed and operating for longer than the person has paid for.

Penalty: a fine not exceeding 5 penalty units

USE OF VOUCHER MACHINES

7. A person parking a vehicle in a car park if a ticket dispensing machine is installed and operating, must not operate the ticket vending machine except in accordance with any notice or sign displayed or erected on or near the machine.

Penalty: a fine not exceeding 5 penalty units

INTERFERENCE WITH VOUCHER MACHINES

8. A person must not interfere with any voucher machine other than to take a voucher from a machine or to insert a note or coin of the kind notified on the machine and take a voucher from the machine.

Penalty: a fine no exceeding 5 penalty units

PARKING VOUCHERS

- 9.
- (i) A person must not park a vehicle in a car park in which a voucher machine is installed and operating unless that person has displayed on the driver's side of the vehicle's dashboard an unexpired voucher.
 - (ii) A voucher must be displayed so that the date and time of issue is clearly visible from outside the vehicle.

Penalty: a fine not exceeding 5 penalty units

- (iii) A person must produce or display any voucher in a car park if the person is instructed to do so by an authorised officer, or if there is an instruction or direction to do so printed on the voucher or on a sign or notice posted in the car park.

Penalty: a fine not exceeding 2 penalty units

PARKING OF VEHICLES

- 10.
- (i) A person must not park a vehicle which is:
 - (a) not wholly within one parking space or which is not parked as directed by an authorised officer; and
 - (b) in a position where it obstructs the entry or exit of a vehicle to another parking space.

Penalty: a fine not exceeding 5 penalty units

- (ii) An authorised officer or a police officer may remove a voucher if it contravenes this clause.

ENTRY AND EXIT OF CAR PARKS

11. A person driving a vehicle must not enter or leave a car park except by an access point designated by a Council sign.

Penalty: a fine not exceeding 5 penalty units

DRIVING OF VEHICLES

12. A person must not drive a vehicle in a car park at more than 15 kilometres per hour.

Penalty: a fine not exceeding 5 penalty units

PARKING EXCEEDING MAXIMUM TIME

13. A person must not park a vehicle in a car park if the period of parking is fixed for any duration exceeding that period. If the period is not fixed then the period must not exceed 24 hours.

Penalty: a fine not exceeding 5 penalty units

PARKING IN AREAS SET ASIDE FOR CERTAIN VEHICLES

14. A person must not park a vehicle in any area of the car park which is set aside for certain class or kind of vehicle to be parked in that area, and there are signs, notices or other directions indicating that the area is set aside for that purpose, unless the vehicle is of the class or kind authorised by the sign, notice or other direction.

Penalty: a fine not exceeding 5 penalty units

PARKING IN AREAS SET ASIDE FOR CERTAIN PEOPLE

15. A person must not park a vehicle in any area of the car park which is set aside or reserved for use by a certain class of people, and there are signs, notices or other directions indicating that the area is set aside for that purpose, unless the person is of the class or kind authorised by the sign, notice or other direction.

Penalty: a fine not exceeding 5 penalty units

TOW AWAY

16. If a vehicle is parked in a car park in contravention of any provision of this By-law, the Council may remove the vehicle to a place of safety and keep it there until any fine, forfeit or composition has been made in accordance with this By-law for the contravention and there has been paid to the Council together with the further sums of:

- (a) \$200.00; plus
- (b) \$25.00 for each day, or part of a day, during which the vehicle is so kept by the Council.

INSTRUCTIONS BY AUTHORISED OFFICER

17. A person in a car park must not fail to comply with any signal or reasonable direction or instruction by an authorised officer.

Penalty: a fine not exceeding 2 penalty units

RESERVED SPACES

- 18.
- (i) The General Manager may create reserved car parks and spaces on land owned or under the control of the Council.
 - (ii) A person must not park or leave a vehicle in a parking space or car park which is designated "Reserved" unless authorised to do so.

Penalty: a fine not exceeding 5 penalty units

- (iii) An authorised officer may remove a vehicle if it contravenes this clause.

UNAUTHORISED REMOVAL OF INFRINGEMENT NOTICE

19. A person other than the registered operator of a motor vehicle or person in charge of a vehicle must not remove or cause to be removed an infringement notice affixed to a vehicle.

Penalty: a fine not exceeding 5 penalty units

SKIDDING OF VEHICLES

- 20.
- (i) A person must not drive a vehicle so:
 - (a) it skids; or
 - (b) it leaves rubber from its tyres on the surface of the car park.

Penalty: a fine not exceeding 5 penalty units

- (ii) A police officer may arrest a person found offending under this clause.

DISTRIBUTION OF ADVERTISEMENTS

21. A person must not distribute or cause to be distributed any advertisement, book, card, handbill, notice, pamphlet, print, paper or placard within a car park without the written permission of an authorised officer.

Penalty: a fine not exceeding 5 penalty units

DAMAGE TO COUNCIL PROPERTY

- 22.
- (i) A person must not remove or damage Council property within any car park.

Penalty: a fine not exceeding 10 penalty units

- (ii) A police officer may arrest a person found offending under this clause.

GRAFFITI

23.

- (i) A person must not mark, write on or in any other way deface Council property within any car park.

Penalty: a fine not exceeding 5 penalty units

- (ii) The General Manager of Council may give written approval for painting or a similar activity to occur in a car park.

- (iii) A police officer may arrest a person found offending under this clause.

PROHIBITED CONDUCT

24.

- (i) A person must not threaten, or use abusive language to an authorised officer acting in the course of their employment in relation to or in connection with any matter relating to a car park.

Penalty: a fine not exceeding 5 penalty units

- (ii) A police officer may arrest a person found offending under this clause.

USE OF SKATES AND CYCLES

25.

- (i) A person is not to ride a machine propelled by human power which includes a skateboard, bicycle, scooter, in-line skates and roller skates during hours indicated by signs in a car park.

Penalty: a fine not exceeding 2 penalty units

- (ii) A person may ride a bicycle in a car park in order to park it.

OBSTRUCTION AND SHOPPING TROLLEYS

26.

- (i) A person must not cause any obstruction to vehicle or foot traffic in a car park.

Penalty: a fine not exceeding 5 penalty units

- (ii) A person must not leave unattended or abandon a shopping trolley anywhere in a car park other than in a trolley bay.

Penalty: a fine not exceeding 5 penalty units

SUPPLY OF NAME AND ADDRESS

27.

- (i) A person within a car park must supply their correct and full name and permanent or present temporary address if requested by an authorised officer or by a police officer.
- (ii) A police officer may arrest a person if the officer or an authorised officer finds the person offending against this clause.

Penalty: a fine not exceeding 5 penalty units

REQUEST TO LEAVE AN AREA

28.

- (i) A police officer or authorised officer may ask a person whom they reasonably believe is offending against this by-law to leave a car park.
- (ii) A person who does not obey the directions of a police officer or an authorised officer is guilty of an offence.

Penalty: a fine not exceeding 5 penalty units

- (iii) A police officer or authorised officer may remove any person from the car park who is offending under this clause.

CLOSURE OF CAR PARKS

29. An authorised officer may close any car park or portion of it.

USE OF CAR PARKS FOR OTHER PURPOSES

30. An authorised officer may give written approval for a car park to be used for any purpose and impose conditions for its use.

ACTING CONTRARY TO SIGNS OR DIRECTIONS

31.

- (i) A person must not do anything in the car park contrary to any direction or instruction on any notice or sign erected, displayed, or shown or contrary to any sign or instruction given by any authorised officer.

Penalty: a fine not exceeding 2 penalty units

PART 2**PENALTIES****INFRINGEMENT NOTICES**

32.

- (i) In this clause “**specified offence**” means an offence against the clause specified in Column 1 of Schedule 1.
- (ii) An infringement notice may be used in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.

AMOUNTS PAYABLE

33.

- (i) An authorised officer may:
 - (a) Issue an infringement notice of a person that the authorised officer has reason to believe is guilty of a specified offence;
 - (b) Issue one infringement notice in respect of more than one specified offence.
- (ii) An infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (iii) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.

34. For the purposes section 100(4) of the *Local Government (Highways) Act 1982*, the prescribed penalty for an infringement notice issued for an offence under section 97, 98 or 99 of that Act is the applicable sum specified adjacent to the offence in the following table:

Section	Description of Offence	Penalty (penalty units)	Reduced penalty if paid to Council within 14 days from date of service of the Infringement Notice (penalty units)	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of the Infringement Notice (penalty units)
Section 97(1)(a)(i)	Remaining parked whilst meter not running	.55	.16	.27
Section 97(1)(a)(ii)	Exceeding maximum parking voucher displayed	.55	.16	.27
Section 97(1)(b)(i)	Parking without parking voucher displayed	.55	.16	.27

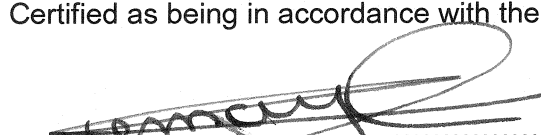
Section	Description of Offence	Penalty (Penalty Units)	Reduced penalty if paid to Council within 14 days from date of service of the Infringement Notice	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of the Infringement Notice
Section 97(1)(b)(ii)	Parking longer than authorised by a parking voucher	.55	.16	.27
Section 97(1)(c)	Parking more than one motor vehicle in a space	.55	.16	.27
Section 97(1)(d)	Parking a motor vehicle partly inside and partly outside a space	.55	.16	.27
Section 98	Obstructing use of parking space	.55	.16	.27
Section 99	Parking whilst space closed	.55	.16	.27

SCHEDULE 1

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 Penalty (Penalty Units)	Column 4 Reduced penalty if paid to Council after 14 days from date of service of Infringement Notice (Penalty Units)	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice (Penalty Units)
6	Parking longer than maximum period	.55	.16	.27
7	Use of voucher machine	.55	.16	.27
8	Interference with voucher machines	1	0.5	.75
9	Parking in car park without displaying current voucher	.55	.16	.27
10	Parking outside parking space	.55	.16	.27
11	Entry and exit to car park except by access point	1	0.5	.75
12	Excessive or unsafe speed in parking space	1	0.5	.75
13	Parking exceeding maximum time	.55	.16	.27
14	Parking in areas set aside for certain vehicles	.55	.16	.27
15	Parking in areas set aside for certain people	.55	.16	.27
17	Instructions by authorised officer	1	0.5	.75
18	Reserved spaces	.55	.16	.27
19	Removal of infringement notice	1	0.5	.75
20	Skidding vehicles in car park	1	0.5	.75
21	Distribution of advertising and other material in car park	1	0.5	.75

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 Penalty (Penalty Units)	Column 4 Reduced penalty if paid to Council after 14 days from date of service of Infringement Notice (Penalty Units)	Column 5 Reduced penalty if paid to Council after 14 days but within 28 days from date of service of Infringement Notice (Penalty Units)
22	Damaging equipment in car park	1	0.5	.75
23	Graffiti in car park	1	0.5	.75
24	Prohibited conduct	1	0.5	.75
25	Use of skateboards etc in car park	1	0.5	.75
26	Obstruction of pedestrians and shopping trolleys in car park	1	0.5	.75
27	Supplying name and address	1	0.5	.75
31	Acting contrary to signs or directions	1	0.5	.75

Certified as being in accordance with the law by G. W. TREMAYNE, Legal Practitioner.



 GEOFFREY TREMAYNE
 LEGAL PRACTITIONER

Certified as being in accordance with the *Local Government Act 1993* by the General Manager.



 GENERAL MANAGER

The common seal of the Devonport City Council has been hereunto affixed pursuant to a resolution of the Council passed on the 18 November 2013 in the presence of the General Manager.

Dated this 20th day of NOVEMBER 2013 at Devonport.



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