



# TASMANIAN GOVERNMENT GAZETTE

PUBLISHED BY  
AUTHORITY  
ISSN 0039-9795

WEDNESDAY 30 SEPTEMBER 2015

No. 21 549

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## Notices to Creditors

GORDON HOUSE SMITH late of 29 Main Road Stanley in Tasmania retired timber clerk divorced deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Gordon House Smith who died on the tenth day of June 2015 are required by the Executor Tasmanian Perpetual Trustees Limited of Level 2/137 Harrington Street Hobart in Tasmania to send particulars to the said Company by the thirtieth day of October 2015 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this thirtieth day of September 2015.

TEGHAN RAWSON, Trust Administrator.

BRUCE ATHOL BADCOCK late of Eliza Purton Nursing Home 26-28 Lakin Street Ulverstone in Tasmania retired businessman/carpenter/real estate agent married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Bruce Athol Badcock who died on the twenty-seventh day of June 2015 are required by the Executor Tasmanian Perpetual Trustees Limited of Level 2/137 Harrington Street Hobart in Tasmania to send particulars to the said Company by the thirtieth day of October 2015 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this thirtieth day of September 2015.

LAURA ALLEN, Trust Administrator.

BETTY FAY RICHARDSON late of Sandhill Aged Care 25 Waveney Street South Launceston in Tasmania retired teacher partner deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Betty Fay Richardson who died on the first day of July 2015 are required by the Executor Tasmanian Perpetual Trustees Limited of Level 2/137 Harrington Street Hobart in Tasmania to send particulars to the said Company by the thirtieth day of October 2015 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this thirtieth day of September 2015.

LAURA ALLEN, Trust Administrator.

### Tasmanian Government Gazette

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IAN FRANCIS DUGGAN late of 15 Frankcomb Street Franklin in Tasmania retired school bus operator/school bus contractor married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Ian Francis Duggan who died on the twenty-third day of June 2015 are required by the Executors Marcus Ian Duggan and Tasmanian Perpetual Trustees Limited of Level 2/137 Harrington Street Hobart in Tasmania to send particulars to the said Company by the thirtieth day of October 2015 after which date the Executors may distribute the assets having regard only to the claims of which it then has notice.

Dated this thirtieth day of September 2015.

TEGHAN RAWSON, Trust Administrator.

EULALIE STRIDE late of 12 Ford Parade Lindisfarne in Tasmania home duties widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Eulalie Stride who died on twentieth day of June 2015 are required by the Executor Tasmanian Perpetual Trustees Limited of Level 2/137 Harrington Street Hobart in Tasmania to send particulars to the said Company by the thirtieth day of October 2015 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this thirtieth day of September 2015.

MEGAN MCCONNON, Trust Administrator.

ALFRED TASMAN JONES late of 9 Baldwin Place Lenah Valley in Tasmania retired landlord/self employed married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Alfred Tasman Jones who died on the second day of July 2015 are required by the Executor Tasmanian Perpetual Trustees Limited of Level 2/137 Harrington Street Hobart in Tasmania to send particulars to the said Company by the thirtieth day of October 2015 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this thirtieth day of September 2015.

JOHN ROBINSON, Trust Administrator.

ANN OLIVIA CAMERON late of Presbyterian Home 1 Blenheim: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Ann Olivia Cameron who died on the eleventh day of March 2015 are required by the Executors David Pete Cordell John Lord And Henry Richard Courthope Edgell c/- of Douglas and Collins 9-13 George Street Launceston in Tasmania to send particulars to the Registrar of the Supreme Court G.P.O. Box 167B Hobart in Tasmania and the solicitors for the Executors Douglas And Collins 9-13 George Street Launceston in Tasmania by the thirtieth day of October 2015 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this thirtieth day of September, 2015.

DOUGLAS & COLLINS, Solicitors.

HILDA JESSEN late of Medea Park 17 Circassian Street St Helens in the State of Tasmania widow/home duties deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Hilda Jessen who died on the twenty-eighth day of January 2015 are required by the Executors Geoffrey William Arnott and Graeme Leslie Jones c/- of Douglas And Collins 9-13 George Street Launceston in Tasmania to send particulars to the Registrar of the Supreme

Court G.P.O. Box 167B Hobart in Tasmania and the solicitors for the Executors Douglas And Collins 9-13 George Street Launceston in Tasmania by the thirtieth day of October 2015 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this thirtieth day of September 2015.

DOUGLAS & COLLINS, Solicitors.

ZOE LOWTHER SAGE late of Marys Grange Nursing Home 5 Grange Avenue Taroona in Tasmania widow deceased: Creditors next of kin and others having claims in respect of the property or estate of the abovenamed deceased who died on the sixth day of March 2015 are required by the Executor Katrina Maree Sage to send particulars of their claim to the Registrar of the Supreme Court of Tasmania GPO Box 167 Hobart 7001 by the thirtieth day of October 2015 after which date the Executor may distribute the assets having regard only to the claims of which the Executor has notice.

Dated this thirtieth day of September 2015.

E. R. HENRY WHERRETT & BENJAMIN.

BETTY JOY SWARD late of Hawthorn Village Blackmans Bay in Tasmania widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the abovenamed deceased who died on the fifth day of June 2015 are required by the Executor Scott William Law to send particulars of their claim to the Registrar of the Supreme Court of Tasmania GPO Box 167 Hobart 7001 by the thirtieth day of October 2015 after which date the Executor may distribute the assets having regard only to the claims of which the Executor has notice.

Dated this thirtieth day of September 2015.

E. R. HENRY WHERRETT & BENJAMIN.

MARGARET YVONNE WAGG late of Bishop Davies Court 27 Redwood Road Kingston in Tasmania widow home duties: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Margaret Yvonne Wagg who died on the nineteenth day of March 2015 are required by the executors Peter Edward Wagg and Julian Peter Wagg care of PWB Lawyers of 25 Murray Street Hobart in Tasmania to send particulars to the said executors by the thirtieth day of October 2015 after which date the executors may distribute the assets having regard only to the claims of which they then had notice.

Dated this thirtieth day of September 2015.

PWB LAWYERS, Solicitors acting on behalf of the  
Executors of the Estate.

HILDA MARY WALKER late of 20/38 Amiens Avenue Derwent Park in Tasmania home duties/widow: Creditors next of kin and others having claims in respect of the property or estate of the abovenamed deceased are required by the Executors Kevin John Walker and Helen Margaret Coleman c/- Dobson Mitchell & Allport of 59 Harrington Street Hobart in Tasmania to send particulars of their claim to the Registrar of the Supreme Court of Tasmania in writing on or before the 1st day of November 2015 after which date the Executors may distribute the assets having regard only to the claims of which the Executors then have notice.

Dated this thirtieth day of September 2015.

DOBSON MITCHELL & ALLPORT,  
Practitioners for the Estate

## Administration and Probate

### 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 DAVID PLUNKETT formerly of 2/6 Wariga Road Glenorchy in Tasmania late of 12a Penguin Drive Glenorchy in Tasmania factory worker divorced deceased be granted to David Timothy Plunkett of 39 Silwood Avenue Howrah in Tasmania teacher married man and Leanne Margaret Carrick of 3 Katrina Court Lindisfarne in Tasmania teacher's assistant married woman the lawful children of the said deceased.

Dated this twenty-third day of September 2015.

BUTLER McINTYRE & BUTLER, Lawyers,  
Solicitors for the Estate.

### ADMINISTRATION AND PROBATE ACT 1935

#### *Notice of Intention to Apply for Letters of Administration (with the Will Annexed)*

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 in the Estate of ANDREW ARTHUR LOCKETT late of 587 John Lees Drive Dilston in Tasmania retired cinema projectionist/widower deceased (with the Will Annexed) may be granted to David Robert Lockett of 587 John Lees Drive Dilston aforesaid store man/single man and Andrew Albert Lockett of 587 John Lees Drive Dilston aforesaid nursery proprietor/single man sons of the deceased and the personal representatives of Mary Lockett the residuary legatee and devisee named in the deceased's last Will.

Dated this thirtieth day of September 2015.

P L CORBY & CO, Solicitors to the Estate.

### ADMINISTRATION AND PROBATE ACT 1935

#### *Notice of Intention to Apply for Letters of Administration (with the Will & two Codicils Annexed)*

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 with the Will and two Codicils Annexed of the Estate of JOHN WYLIE HYSLOP late of 27 Alexander Street Sandy Bay in the State of Tasmania company director divorced/partnered deceased may be granted to Joanna Larke of 89 Summerleas Road Fern Tree in the State of Tasmania single personal assistant one of the ultimate residuary legatees and devisees named in the will of the deceased.

Dated this thirtieth day of September 2015.

E. R. HENRY WHERRETT & BENJAMIN,  
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 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 SHANE GRAHAM late of 46 Hobart Road Kings Meadows in Tasmania divorce man/spray painter deceased who died on the sixth day of August 2015 intestate may be granted to Nathan Dwayne Graham of 46 Hobart Road Kings Meadows in Tasmania single man / Roofer son of the said deceased.

Dated this thirtieth day of September 2015.

GRANT TUCKER, Solicitors for the Applicants.

### 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 JOHN PETER O'ROURKE late of 1297 Wilmot Road Lower Wilmot in Tasmania factory hand never married single man deceased intestate may be granted to Russell Paul O'rourke care of 107 Gilbert Street Latrobe in Tasmania teacher married man the brother of the said deceased.

Dated this thirtieth day of September 2015.

BRUCE DAVIES, Latrobe, Solicitor for the Applicant.

## Mental Health

### MENTAL HEALTH ACT 2013

NOTICE is hereby given that in accordance with section 138 of the *Mental Health Act 2013*, the undermentioned person has been approved as a medical practitioner for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on 17th September 2015.

DR PETERIS EMILS KENNE

Dated this 17th day of September 2015.

DR LEONARD GEORGE JOHN LAMBETH,  
Chief Civil Psychiatrist/Chief Forensic Psychiatrist .

### MENTAL HEALTH ACT 2013

NOTICE is hereby given that in accordance with section 138 of the *Mental Health Act 2013*, the undermentioned person has been approved as a medical practitioner for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on 17th September 2015.

DR CHRISTOPHER MOHAN

Dated this 17th day of September 2015.

DR LEONARD GEORGE JOHN LAMBETH,  
Chief Civil Psychiatrist/Chief Forensic Psychiatrist .

## MENTAL HEALTH ACT 2013

NOTICE is hereby given that in accordance with section 138 of the *Mental Health Act 2013*, the undermentioned person has been approved as a medical practitioner for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on 17th September 2015.

DR CHAUDHARY TAUSEEF ZIA

Dated this 17th day of September 2015.

DR LEONARD GEORGE JOHN LAMBETH,  
Chief Civil Psychiatrist/Chief Forensic Psychiatrist

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## MENTAL HEALTH ACT 2013

NOTICE is hereby given that in accordance with section 138 of the *Mental Health Act 2013*, the undermentioned person has been approved as a medical practitioner for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on 17th September 2015.

DR RANA DASGUPTA

Dated this 17th day of September 2015.

DR LEONARD GEORGE JOHN LAMBETH,  
Chief Civil Psychiatrist/Chief Forensic Psychiatrist .

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## MENTAL HEALTH ACT 2013

NOTICE is hereby given that in accordance with section 139 of the *Mental Health Act 2013*, the undermentioned person has been approved as a mental health officer for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on the 23rd day of September 2015.

SUZANNE ELENA NESHAM

Dated this 23rd day of September 2015.

DR LEONARD GEORGE JOHN LAMBETH,  
Chief Civil Psychiatrist/Chief Forensic Psychiatrist .

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## MENTAL HEALTH ACT 2013

NOTICE is hereby given that in accordance with section 139 of the *Mental Health Act 2013*, the undermentioned person has been approved as a mental health officer for provisions of the *Mental Health Act 2013* within the Chief Civil Psychiatrist and Chief Forensic Psychiatrist's jurisdictions for a period of five years commencing on the 23rd day of September 2015.

JANE PATRICIA BAMFORD

Dated this 23rd day of September 2015.

DR LEONARD GEORGE JOHN LAMBETH,  
Chief Civil Psychiatrist/Chief Forensic Psychiatrist .

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<p><b>Dangerous Goods (Road and Rail Transport)</b></p>
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DANGEROUS GOODS (ROAD AND RAIL TRANSPORT)  
ACT 2010

I, MARTIN EDMUND SHIRLEY, Chief Executive of WorkSafe Tasmania, having been appointed a Competent Authority pursuant to Part 3, Division 1, section 11 of the *Dangerous Goods (Road and Rail Transport) Act 2010*, hereby appoint Geoffrey Wayne Hull to be an authorised officer pursuant to section 12(1) of the *Dangerous Goods (Road and Rail Transport) Act 2010*.

The appointment is made without restrictions.

This appointment is conditional on the holder's continued employment with the Department of Justice.

Dated the 18th September 2015.

MARTIN SHIRLEY, Competent Authority.

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## Personal Information Protection

### PERSONAL INFORMATION PROTECTION ACT 2004

I, VANESSA GOODWIN, Minister for Justice, being and as the Minister responsible for the administration of the *Personal Information Protection Act 2004* (“the Act”), having considered the joint application lodged 17 September 2015 made under section 13 of the Act by the following personal information custodians—

Department of Education  
 Department of Health and Human Services  
 Department of Justice  
 Department of Police and Emergency Management  
 Department of Premier and Cabinet  
 Department of Primary Industries, Parks, Water and Environment  
 Department of State Growth  
 Department of Treasury and Finance  
 Tasmanian Audit Office  
 Tasmanian Health Service  
 Tourism Tasmania,

each being a “public authority” within the meaning of the Act, being an Agency within the meaning of the *State Service Act 2000*, for an exemption from compliance, as required by section 17(1) of the Act, with Personal Information Protection Principle 2(1) in respect of disclosures of personal information, as may be made by their respective Heads of Agencies, for the purposes of and relating to financial reporting in accordance with the *Financial Management and Audit Act 1990* and as otherwise relevantly specified from time to time in any Treasurer’s Instruction issued under section 23(1) of that Act, and as may in particular be of the information referred to in the Schedule herein; and being satisfied that the public benefit of exemption from compliance with the said principle outweighs to a substantial degree the public benefit from compliance with the principle, in accordance with section 14 of the Act hereby approve the application.

#### Schedule

Information in respect of key personnel, including employee’s name, position, appointment date, term of acting arrangements (if applicable), salary, superannuation, post-employment, termination and other benefits and long service leave.

Dated this 23rd day of September 2015.

VANESSA GOODWIN, Minister for Justice.

#### Details of the Application

The joint applicants are the personal information custodians within the meaning of the *Personal Information Protection Act 2004*. Each of the joint applicants has consented to make a joint application under section 13 of the Act for an exemption under section 14.

Each of the signatories to the application is a Heads of Agency, for the purposes of the *Financial Management and Audit Act 1990* and has statutory reporting obligations in relation to the financial management of the relevant Agency.

The financial reports are intended to comply with the details specified in Treasurer’s Instructions issued from time to time under section 23(1) of the *Financial Management and Audit Act 1990*. The purpose of the Treasurer’s Instructions is to further transparency in financial management of the relevant Agencies, in the public

## Salary and Allowances for Members of the Tasmanian Parliament



### Salary and Allowances for Members of the Tasmanian Parliament

#### Submissions Invited

A Full Bench of the Tasmanian Industrial Commission is to prepare a Report determining the basic salary, allowances and other entitlements payable to members of the Tasmanian Parliament. This includes but is not limited to the following:

- Basic Salary
- Additional Salary for Holders of Office
- Telecommunications Allowance
- Away From Home Travelling Allowance
- Bass Strait Islands Travelling Allowance
- Electorate Allowance
- Motor Vehicle Allowance
- Committee Sitting Fees
- Entertainment Allowance
- Taxi Allowance
- Resettlement Allowance

The Full Bench is required to revisit the 2014 Report, which was not accepted by Parliament.

Submissions from individuals or organisations, either in person or in writing are invited.

Written submissions close on Friday, 23 October 2015.

The Full Bench will hear oral representations at various locations around the State during the week 2 – 6 November 2015.

Submissions may be in public or private.

Full details on how to lodge written submissions or make an appointment for an oral representation are on the website.

An *Issues Paper* detailing the issues to be considered, historical and comparative data is also available on the website.

For further information or assistance, please contact the Tribunal Inquiry Secretariat as follows:

Ms Clare Jacobs,  
 Research/Administration Officer,  
 Ph: (03) 6165 6775.  
 Email: [tic@justice.tas.gov.au](mailto:tic@justice.tas.gov.au)

2nd Floor,  
 144 Macquarie St  
 Hobart

GPO Box 1108,  
 Hobart Tas 7001

The Full Bench is required to report before 1 March 2016.

Tim Abey  
 Nicole Wells  
 Michael Roberts

## Forest Practices

Forest Practices Authority  
24th August, 2015

### FOREST PRACTICES ACT 1985

#### NOTIFICATION

IN ACCORDANCE with the provision of Section 11 of the *Forest Practices Act 1985*, and on the recommendation of the Forest Practices Authority, Her Excellency, the Governor-in-Council has declared part of each of the lands listed in the following schedule to be Private Timber Reserves.

#### SCHEDULE

#### PRIVATE TIMBER RESERVE

#### PART TITLE

<i>Application No.</i>	<i>Owner</i>	<i>Land Title Reference</i>	<i>Location</i>	<i>Municipal Area</i>
2212	Flowers, CR	C/T Vol 238259 Fol 1 C/T Vol 238260 Fol 1	Mayberry	Meander Valley Council
2210	PP Woodland Company Pty Ltd	C/T Vol 168930 Fol 1 C/T Vol 168930 Fol 2 C/T Vol 168930 Fol 3 C/T Vol 168930 Fol 4 C/T Vol 168930 Fol 5	Interlaken	Central Highlands Council

Given under my hand at Hobart in Tasmania on 24th August, 2015.

By Her Excellency's Command

C. WARNER, Governor.

PAUL HARRISS, Minister for Resources.

Forest Practices Authority  
24th August, 2015

### FOREST PRACTICES ACT 1985

#### NOTIFICATION

IN ACCORDANCE with the provision of Section 11 of the *Forest Practices Act 1985*, and on the recommendation of the Forest Practices Authority, Her Excellency, the Governor-in-Council has declared the lands listed in the following schedule to be Private Timber Reserves.

#### SCHEDULE

#### PRIVATE TIMBER RESERVE

#### WHOLE TITLE

<i>Application No.</i>	<i>Owner</i>	<i>Land Title Reference</i>	<i>Location</i>	<i>Municipal Area</i>
2211	PP Woodland Company Pty Ltd	C/T Vol 241819 Fol 1	Arthurs Lake	Central Highlands Council

Given under my hand at Hobart in Tasmania on 24th August, 2015.

By Her Excellency's Command

C. WARNER, Governor.

PAUL HARRISS, Minister for Resources.

## Forest Practices

Forest Practices Authority  
24th August, 2015

### FOREST PRACTICES ACT 1985

#### NOTIFICATION

IN ACCORDANCE with the provision of Section 14 of the Forest Practices Act 1985, and on the recommendation of the Forest Practices Authority, Her Excellency, the Governor-in-Council has declared the lands listed in the following schedule previously declared a Private Timber Reserve shall cease to be a Private Timber Reserve.

#### SCHEDULE

#### REVOCATION OF PRIVATE TIMBER RESERVE

#### WHOLE TITLE

<i>Application No.</i>	<i>Owner</i>	<i>Land Title Reference</i>	<i>Location</i>	<i>Municipal Area</i>
0583BR	The Crown	C/T Vol 132934 Fol 1	Beaconsfield	West Tamar Council

Given under my hand at Hobart in Tasmania on 24th August, 2015.

By Her Excellency's Command,

PAUL HARRISS, Minister for Resources.

C. WARNER, Governor.

Forest Practices Authority  
21st September, 2015

### FOREST PRACTICES ACT 1985

#### NOTIFICATION

IN ACCORDANCE with the provision of Section 14 of the *Forest Practices Act 1985*, and on the recommendation of the Forest Practices Authority, His Excellency, the Lieutenant Governor-in-Council has declared the lands listed in the following schedule previously declared a Private Timber Reserve shall cease to be a Private Timber Reserve.

#### SCHEDULE

#### REVOCATION OF PRIVATE TIMBER RESERVE

#### WHOLE TITLE

<i>Application No.</i>	<i>Owner</i>	<i>Land Title Reference</i>	<i>Location</i>	<i>Municipal Area</i>
0518R	Stone, JR & DA	C/T Vol 124203 Fol 1 C/T Vol 124203 Fol 2 C/T Vol 124203 Fol 3 C/T Vol 134243 Fol 2	Patersonia	Launceston City Council
2078R	Webbrun Pty Ltd	C/T Vol 134888 Fol 1	Cluan	Meander Valley Council

Given under my hand at Hobart in Tasmania on 21st September, 2015.

By His Excellency's Command,

PAUL HARRISS, Minister for Resources

A.M.BLOW, Lieutenant-Governor.

## 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>Roads and Jetties Act 1935</i>	S. R. 2015, No. 67	Proclamation under section 7

#### GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

##### (1) Proclamation under section 7 of the *Roads and Jetties Act 1935*

This proclamation, for the purposes of the *Roads and Jetties Act 1935* –

- (a) declares that Gladstone Main Road and Ringarooma Main Road cease to be subsidiary roads; and
- (b) declares Mount William Developmental Road and Waterhouse Developmental Road to be subsidiary roads classified as developmental roads; and
- (c) consequentially amends an earlier proclamation.

Copies of the abovementioned statutory rules may be purchased at Mercury Walch Pty Ltd,  
5-7 Bowen Road, Moonah. Phone (03) 6232 2101 or Toll Free 1800 030 940.

ROBYN WEBB,  
Acting Chief Parliamentary Counsel.

#### 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.'

TANIA RATTRAY, MLC, Chairperson.



<b>Cities/Councils</b>
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**BRIGHTON COUNCIL  
ENVIRONMENTAL HEALTH BY-LAW**

**By-Law No. 1 of 2015**

A BY-LAW of the Brighton Council made under the provisions of Section 145 of the *Local Government Act 1993* (Tas) for the purpose of controlling matters of environmental health.

**PART 1 - PRELIMINARY**

**1. Short Title**

This By-Law may be cited as the Environmental Health By-Law No. 1 of 2015.

**2. Repeal**

The Brighton Council – Environmental Health By-law, By-law No. 1 of 2014 made on the 8<sup>th</sup> of September 2014 and notified in the Tasmanian Government Gazette on the 10<sup>th</sup> of September 2014 at page 1304 is hereby repealed.

**3. Definitions and Interpretation**

In this By-law, unless the contrary intention appears –

‘**Act**’ means the *Local Government Act 1993* (Tas);

‘**Authorised Officer**’ means:

- (a) an employee of the Council appointed by the General Manager as an authorised officer for the purpose of this By-law; and
- (b) Environmental Health Officers;

‘**By-Law**’ is a reference to this Environmental Health By-Law being No. 1 of 2015;

‘**Council**’ means the Brighton Council (ABN 12 505 460 421) constituted pursuant to the Act;

‘**Environmental Health Officer**’ means the person (or persons) appointed by Council from time to time in the positions of Senior Environmental Health Officer and Environmental Health Officer;

‘**General Manager**’ means the person appointed by Council from time to time to the position of general manager in accordance with section 61 of the Act;

‘**Municipal Area**’ means the municipal area of the Brighton Council defined in accordance with section 16 of the Act;

**'person'** includes a body corporate;

**'proprietor'** includes the owner, occupier or any person having the control or management of any land;

**'Residential Zone'** means area of land zoned General Residential; Inner Residential; Low Density Residential; Urban Mixed Use; and Village under the Brighton Interim Planning Scheme 2015; and

**'Rural Zone'** means area of land zoned Rural Living and Rural Resource under the Brighton Interim Planning Scheme 2015.

## PART 2 - CARAVANS

### 4. Interpretation of Part 2

In this Part 2 –

**'caravan'** means:

- (a) any object or structure which has the general characteristics of a caravan, house on wheels, a covered van or trailer and any vehicle used or adapted for occupation; and
- (b) includes any structure, awning, verandah, lean-to, tent, carport or any other enclosed or partly enclosed area used or capable of being used in connection with, or attached to any caravan; and
- (c) may or may not have the wheels or axles attached; and
- (d) may be resting directly on the ground or placed on blocks or other supports;

**'caravan licence'** means a licence to occupy a caravan ;

**'occupy'** includes reside or live in any caravan for the purposes of shelter, entertainment, sleeping, resting, cooking, eating, or for any other similar use whether on a temporary or permanent basis;

**'uninhabitable state'** means:

- (a) there is no electricity, water, sanitation or other form of domestic utility connection servicing the caravan and no bedding is made up; and
- (b) in the reasonable opinion of an Authorised Officer, the caravan does not show signs of current or recent human habitation.

## 5. Application of Part 2

Part 2 of this By-Law does not apply to a caravan that is:

- (a) parked for less than forty eight (48) hours on Council land which is signposted or otherwise designated as a RV rest stop;
- (b) situated on land for which a planning permit has been issued under the *Land Use Planning and Approvals Act 1993* (Tas) permitting the use and/or development of caravans, including but not limited to caravan parks;
- (c) used on a temporary basis by persons engaged in a travelling show, including but not limited to a circus, the annual Brighton Rural Show or some other form of public performance; or
- (d) used by Council work gangs or Council contractors involved in construction work for the Council.

## 6. Application for caravan licence

- (a) A person may apply for a caravan licence by submitting to an Environmental Health Officer:
  - i. an application made in accordance with the form in Schedule 1 of this By-law; and
  - ii. the application fee determined by Council.
- (b) Upon receipt of an application made in accordance with clause 6(a), an Environmental Health Officer may request that the applicant supply additional information for the purpose of assessing the application. If an applicant fails to comply with a request made pursuant to this clause 6(b), the relevant application will be refused.
- (c) Subject to subclauses 6(d), 6(e) and 6(f) of this By-Law, an Environmental Health Officer may grant or refuse an application made in accordance with subclause 6(a) and if an application is granted the Environmental Health Officer may impose reasonable terms and conditions upon a caravan licence.
- (d) A caravan licence will not be granted where the applicant intends to keep the caravan on land located in a Residential Zone.

- (e) Where an applicant intends to occupy a caravan on land located in a Rural Zone, a caravan licence will only be granted if the applicant can demonstrate that approval has been granted under the *Building Act 2000* (Tas) to construct a residential dwelling on the land identified in the application.
- (f) A caravan licence will not to be granted unless an Environmental Health Officer has approved the proposed method for the disposal of refuse and on-site wastewater during the period of occupancy.
- (g) All caravan licences will remain valid for a maximum period of twenty six (26) weeks from the date of issue, after which time they will automatically expire.
- (h) An Environmental Health Officer may cancel any caravan licence issued pursuant to this By-Law by giving written notice of cancellation to the holder of the licence in the event that the terms and conditions of the licence are breached.

#### **7. Licence necessary to occupy a caravan**

- (a) A person must not occupy a caravan without a licence.

**Penalty:** Fine not exceeding 12 penalty units.

- (b) The proprietor of any land within the Municipal Area must not authorise, allow or otherwise permit any person to occupy a caravan upon their land unless such occupancy is authorised by a current caravan licence.

**Penalty:** Fine not exceeding 12 penalty units.

#### **8. Storage of caravans**

A caravan being stored on any land within the Municipal Area must at all times be kept and maintained in an uninhabitable state.

**Penalty:** Fine not exceeding 12 penalty units.

### **PART 3 - BUILDING SITE SANITATION**

#### **9. Interpretation of Part 3**

In this Part 3 –

‘**builder**’ in relation to a building site, has the meaning given to that term in section 3 of the *Building Act 2000* (Tas);

**‘building site’** means a place where building work is carried out;

**‘toilet’** includes a facility that has a seat and a removable pan, a water closet or a portable toilet; and

**‘urinal’** means a facility used solely for the receipt of human urine.

#### **10. Work Health and Safety Act 2012 (Tas)**

For the avoidance of doubt, the provisions of Part 3 of this By-law are in addition to, and not in derogation of, the provisions of the *Work Health and Safety Act 2012* (Tas) and all regulations thereto.

#### **11. Location of toilets and urinals**

A builder must not fail to comply with any reasonable direction which may be given by an Authorised Officer concerning the siting of toilets and urinals on building sites.

**Penalty:** Fine not exceeding 2 penalty units.

### **PART 4 – CONTROL OF INCINERATORS AND OPEN AIR BURNING**

#### **12. Interpretation of Part 4**

In this Part 4 –

**‘barbecue’** means any device, structure or equipment used or adapted for use for the cooking of food for human consumption in the open air;

**‘incinerator’** includes any fireplace, fire pot, construction or container not housed inside a building, which is used for the purpose of burning any flammable material and which is not licensed under the provisions of the *Environmental Management and Pollution Control Act 1994* (Tas), but does not include a barbecue being used for any *bona fide* purpose in connection with the cooking of food for human consumption;

**‘Building Code of Australia’** means the code produced by the Australian Building Code Board relating to the design and construction of buildings; and

**‘open-air fire’** means any fire that is conducted outside a building, including a fire conducted in a garden, yard, alley, field, park, industrial site, construction site, building lot, parking lot, street or other open place.

#### **13. Fire Services Act 1979 (Tas)**

For the avoidance of doubt, the provisions of Part 4 of this By-law are in addition to, and not in derogation of, the provisions of the *Fire Service Act 1979* (Tas) and all regulations thereto.

**14. Incinerator construction**

A person must not operate an incinerator unless the incinerator:

- (a) is constructed of a suitable non-combustible material, including but not limited to brick, concrete, metal, or any combination of same;
- (b) is fitted with a lid or other form of spark arrestor which must be in active use during the burning of materials; and
- (c) is in a state of repair which, in the opinion of an Authorised Officer, is suitable for the safe burning of materials.

**Penalty:** Fine not exceeding 12 penalty units.

**15. Location of incinerator and open-air fire**

A person must not operate an incinerator or light an open-air fire:

- (a) within two (2) metres of any neighbouring property boundary; or
- (b) within ten (10) metres of the external wall of any structure, including but not limited to a dwelling or outbuilding; or
- (c) in any location where vegetation overhangs or is otherwise situated above the incinerator or the open-air fire.

**Penalty:** Fine not exceeding 12 penalty units.

**16. Supervision of fires**

A person must not, on land with an area which is less than two thousand (2000) square metres, leave unattended an active incinerator or an open-air fire unless it has been completely extinguished.

**Penalty:** Fine not exceeding 12 penalty units.

**17. Capacity to extinguish fire**

A person must not:

- (a) operate an incinerator or light an open-air fire; or
- (b) allow an incinerator to be operated or an open-air fire to be lit on that person's land,

unless a suitable means of extinguishing the relevant fire is available, including but not limited to a hose which is connected to a water supply and capable of reaching the relevant fire.

**Penalty:** Fine not exceeding 12 penalty units.

#### **18. Burning of green vegetation**

A person must not, on land with an area which is less than two thousand (2000) square metres, in an incinerator or in an open-air fire, burn green vegetation.

**Penalty:** Fine not exceeding 12 penalty units.

#### **19. Time restrictions**

Notwithstanding any other provisions of this By-Law to the contrary, a person must not light or allow to be lit or to remain alight any incinerator or open-air fire on land with an area which is less than two thousand (2000) square metres on any day or time other than Monday, Wednesday or Saturday between the hours of 10 a.m and 4 p.m.

**Penalty:** Fine not exceeding 12 penalty units.

#### **20. Extinguishing fires**

(a) Any person who is burning any material in contravention of this By-Law must not fail to extinguish the relevant fire where directed to do so by an Authorised Officer.

**Penalty:** Fine not exceeding 12 penalty units.

(b) An Authorised Officer may undertake or coordinate the extinguishing of any fire which is the subject of a direction given under clause 20(a) of this By-Law where the relevant direction is not complied with within a reasonable time.

(c) The Council may recover all costs incurred by it as a result of any action taken pursuant to clause 20(b) from the person who failed to comply with the relevant direction given pursuant to clause 20(a).

### **PART 5 – ANIMAL CONTROL**

#### **21. Interpretation of Part 5**

In this Part 5 –

**‘animal’** includes any live companion animal, domestic animal, farm animal, fowls or native animal;

**‘cattle’** means a bull, cow, ox, steer, heifer, or calf;

**‘companion animal’** means an animal kept by a person as a companion pet;

**‘domestic animal’** includes an animal or bird that is:

- (a) kept by an owner or some other person who has charge of the animal; and
- (b) reliant upon human contact to satisfy its welfare requirements;

**‘effective control’** means:

- (a) confined by a cage or enclosure, or fence and closed gates; or
- (b) on a leash; or
- (c) under the direct supervision of a competent person; or
- (d) confined by such other appropriate method that prevents uncontrolled animal activity;

**‘farm animal’** means a horse, stock or any other animal that is commonly being farmed or grazed;

**‘feral animal’** means any animal which is not native to Australia and which is living in a wild state and substantially independent of human contact;

**‘fowl’** includes a domestic hen, but does not include a rooster;

**‘horse’** includes a stallion, mare, gelding, pony, filly, colt, foal, ass, donkey, mule, or any other animal used for burden, draught or for carrying people, irrespective of size;

**‘native animal’** means any animal native to Australia;

**‘nuisance’** has the same meaning as ‘nuisance’ under s.199 of the *Local Government Act 1993* and includes anything relating to an animal that –

- (a) causes, or is likely to cause, danger or harm to the health, safety or welfare of any person; or
- (b) causes, or is likely to cause, a risk to public health; or
- (c) gives rise to unreasonable or excessive levels of noise or pollution;

**‘pest animal’** means a feral animal, vermin or vectors;

**‘poultry’** includes ducks, fowl, geese, guinea fowl, peacocks, pheasants and pigeons, or any other birds kept in an aviary;



**‘prepared food’** includes:

- (a) a product manufactured altered or modified for the purpose of consumption by animals; or
- (b) commercial products or household scraps used for the purpose of animal consumption,

but does not include hay or straw of any type;

**‘property’** means any land, dwelling, flat or unit in separate occupation;

**‘public land’** means land owned, vested in or managed by Council or any Government department, agency or instrumentality;

**‘stock’** includes cattle, goats, deer, sheep, pigs, or a combination of two or more of them;

**‘stray animal’** includes any animal not in the current care and control of any person but excludes a feral animal;

**‘vermin’** means rats, mice, flies, fleas, lice, or any other animal or insect pest; and

**‘welfare’** means the basic health, protection, care and comfort of any animal.

## **22. Prohibition on keeping certain animals in the Residential Zone**

Subject to clause 24 of this By-Law, a person must not have or keep, on a temporary or permanent basis, any of the following in a Residential Zone:

- (a) horses, farm animals or stock;
- (b) sheep;
- (c) goats;
- (d) bees;
- (e) roosters;
- (f) peacocks;
- (g) pigs;
- (h) geese;

(i) turkeys; and/or

(j) ducks,

or any other animal of a non-domestic nature which the General Manager considers ought not be kept in a Residential Zone.

**Penalty:** Fine not exceeding 12 penalty units.

### **23. Permission to keep animals in Residential Zone**

(a) Clause 22 of this By-Law does not apply where:

- i. a person has sought and obtained the written permission of the General Manager to keep the relevant animal; and
- ii. the premises or land on which the relevant animal is to be kept is a minimum of one (1) hectare in area; and
- iii. the portion of the premises or land to which the relevant animal has access is effectively fenced so that the animal cannot approach within:
  - A. fifteen (15) metres of any dwelling, schoolroom, hospital, child health centre, workroom or food premises; and
  - B. two (2) metres of a street boundary, or any adjoining property; and
- iv. boundary fencing suitable for the containment of the relevant animal is installed and maintained in good condition.

(b) The requirements of subclause 23(a)(iii)B may be waived by if:

- i. the owners of each property adjoining the relevant premises or land lodges a declaration with Council indicating that the fencing requirements are not necessary; and
- ii. the General Manager is satisfied that a waiver of the fencing requirements will not give rise to a nuisance.

(c) In determining whether or not to grant the permission referred to in in sub clause 23(a)(i), the General Manager must take into account whether or not the relevant animals will unreasonably interfere with the health or amenity of the relevant neighbourhood.

**24. Effective control of animals**

- (a) Subject to sub-clause 24(b), the owner of any animal must ensure that their animal does not:
- i. enter or remain on any private property without the consent of the owner or occupier of such property; or
  - ii. enter any public land unless there is a sign displayed on that land authorising the entry of that kind of animal.

**Penalty:** Fine not exceeding 12 penalty units.

- (b) Sub-clause 24(a) of this By-Law does not apply to
- i. domestic cats or domestic dogs; or
  - ii. a situation where farm animals or stock are on a public road and are under the effective control of a competent person.

**25. Keeping of fowls**

- (a) A person must not keep more than a total of six (6) fowls on a property within a Residential Zone.

**Penalty:** Fine not exceeding 12 penalty units.

- (b) A person must not, in any area, keep any fowl or fowls within twelve (12) metres of any dwelling house or two (2) metres of a property boundary or allow the fowl or fowls to have access to any area which is within twelve (12) metres of a dwelling house.

**Penalty:** Fine not exceeding 12 penalty units.

**26. Maintenance of premises used by animals or fowls**

- (a) The occupier of any premises must:
- i. keep any structures, buildings, enclosures or areas to which animals have access in a clean and sanitary condition;
  - ii. keep any bedding or floor coverings used by animals, or to which animals have access, in a clean and sanitary condition;
  - iii. regularly empty any container used for the keeping of animal waste, animal food or manure and keep such container in a clean and sanitary condition; and

- iv. not use or include any part of an adjoining property fence as part of an animal enclosure.

**Penalty:** Fine not exceeding 12 penalty units.

- (b) A person must not discharge, deposit, or allow or permit to be discharged or deposited, any animal waste including but not limited to faeces:
  - i. on to any property excepting the property on which the relevant waste is produced; or
  - ii. into any water course or drain,

**Penalty:** Fine not exceeding 12 penalty units.

## **27. Pest animals**

- (a) An Authorised Officer may direct an owner or occupier of land where pest animals are present to take steps to remove or eradicate the relevant pest animals.
- (b) A person must not fail to comply with a direction given by an Authorised Officer pursuant to clause 27(a).

**Penalty:** Fine not exceeding 12 penalty units.

## **28. Storage of animal food for consumption**

A person must not keep, store or allow to be kept or stored on any land, prepared food unless it is stored in a sealed receptacle constructed of a material that is resistant to access by pest animals.

**Penalty:** Fine not exceeding 12 penalty units.

## **PART 6 – OFFENCES AGAINST AUTHORISED OFFICERS**

### **29. Obstruction, threats and intimidation**

- (a) A person must not obstruct or hinder an Authorised Officer engaged in the exercise of the powers conferred by this By-Law.

**Penalty:** Fine not exceeding 12 penalty units.

- (b) A person must not intimidate, threaten or abuse an Authorised Officer.

**Penalty:** Fine not exceeding 12 penalty units.

### 30. Failure to provide information

A person must not:

- (a) refuse; or
- (b) fail to the best of the persons' knowledge, information and belief,

to answer any question that may be put to them by an Authorised Officer where such question concerns the investigation of a potential breach of this By-Law and/or the exercise of the Authorised Officer's powers under this By-Law.

**Penalty:** Fine not exceeding 12 penalty units.

## PART 7 - INFRINGEMENT NOTICES AND ENFORCEMENT

### 31. Entry onto land

For the purposes of this By-Law, an Authorised Officer may:-

- (a) enter and remain on land for any reasonable purpose connected with the administration or enforcement of the By-Law; and
- (b) take photographs, audio, video or other recordings as reasonably required in connection with the administration of the By-Law.

### 32. Infringement notices

- (a) In this clause 32 '**specified offence**' means an offence against the clause specified in Column 1 of Schedule 2 of this By-Law.
- (b) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 2 is the penalty payable under the infringement notice for that offence.
- (c) The General Manager or an Authorised Officer may –
  - i. issue an infringement notice to a person who the General Manager or authorised officer has reason to believe is guilty of a specified offence; and
  - ii. issue one infringement notice in respect of more than one specified offence.
- (d) In addition to any other method of service, 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.

- (e) Payment of an infringement notice issued must be made to the General Manager within 28 days of the issue of the infringement notice to avoid the infringement notice being referred to the Director, Monetary Penalties Enforcement Service.
- (f) The Monetary Penalties Enforcement Act 2005 applies to an infringement notice issued under this by-law.

**33. Monies payable to council recoverable as a debt**

All monies payable to the Council or General Manager in respect of an infringement notice are a debt due to the Council and recoverable at law.

**SCHEDULE 1: CARAVAN LICENCE APPLICATION FORM**



**Brighton  
Council**

**Application for Licence to Occupy a Caravan**

**Applicant's Details:**

---

**Mr/Mrs/Ms/Miss** .....

**Surname** .....

**Given Names** .....

**Telephone (Home)** .....

**Telephone (Work)** .....

**Mobile Telephone No.** .....

**About the Caravan:**

---

**Registration No.** .....

**Size (Length)** .....

**No. of Berth:** .....

**Manufacturer:** .....

**Colour** .....

**Site Details:**

---

**Address where caravan will be kept:** .....

.....

.....

**Type of water supply to caravan:** .....

**Proposed method of disposal of waste water (including toilet, bath, shower, hand-basin, sink and laundry):** .....

**Number of people to occupy caravan:** .....

**Period proposed to remain on site:** .....

**Name of Applicant:** .....

**Signature of Applicant:** .....

**Date:** .....

Please attach a site plan to your application showing the outline of the property, the existing buildings and the proposed location of the caravan



**SCHEDULE 2 - INFRINGEMENT NOTICE OFFENCES**

<b>Column 1</b> <b>CLAUSE</b>	<b>Column 2</b> <b>OFFENCE</b>	<b>Column 3</b> <b>PENALTY</b> <b>(Penalty Units)</b>
7 (a) & (b)	Licence necessary to occupy a caravan	3
8	Storage of caravans	3
11	Location of toilets and urinals	1
14	Incinerator construction	3
15	Location of incinerator and open-air fire	3
16	Supervision of fires	3
17	Capacity to extinguishing fire	3
18	Burning of green vegetation	3
19	Time restrictions	3
20	Extinguishing fires	3
22	Prohibition on keeping certain animals in the Residential Zone	3
24(a)	Effective Control of animals	3
25 (a) & (b)	Keeping of fowls	3
26 (a) & (b)	Maintenance of premises used by animals or fowls	3
27	Pest animals	3
28	Storage of animal food for consumption	3
29	Obstruction, threats and intimidation	3
30	Failure to provide information	3


Certified as being in accordance with the law by:

John Kirkwood, Abetz Curtis, Qualified Legal Practitioner.

Dated this 22<sup>nd</sup> day of September 2015, at Hobart.

Certified as being made in accordance with the *Local Government Act 1993*.

Ronald Victor Sanderson, General Manager



Dated this 23<sup>rd</sup> day of September 2015, at Hobart.

The Common Seal of the Brighton Council has been hereunto affixed this 23<sup>rd</sup> day of September 2015 pursuant to a resolution of the Council passed on the 15<sup>th</sup> day of September 2015 in the present of:

(Seal)

Ronald Victor Sanderson, General Manager





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