



TASMANIAN GOVERNMENT GAZETTE

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Notices to Creditors

MADGE JOHNSTONE formerly of 1 John Street, Ulverstone in Tasmania and late of ALAN DAVID LODGE, 382 Torquay Road, Grovedale in Victoria, Home Duties/Widowed, who died on the 2nd day of January 2017. Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executor, IAN DOUGLAS JOHNSTONE, C/- Friend & Edwards Lawyers, 28a King Edward Street, Ulverstone in Tasmania, to send particulars of their claim in writing to the Registrar of the Supreme Court of Tasmania, Salamanca Place, Hobart in Tasmania on or before the 30th day of June 2017 after which date the Executor may distribute the assets having regard only to the claims of which the Executor then has notice.

Dated this thirty-first day of May 2017.

FRIEND & EDWARDS LAWYERS, Solicitors to the Estate

ADRIAN COWBURN late of 17 Native Rock Road, Railton in Tasmania, Retired Truck Driver, Married, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, ADRIAN COWBURN who died on the twenty fourth day of September 2016 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 June 2017, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this thirty first day of May 2017.

MEGAN MCCONNON, TRUST ADMINISTRATOR.

GWLADYS RUBY RICHARDSON late of Sandhill Aged Care, South Launceston in Tasmania, Seamstress/Home Duties, Widowed, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, GWLADYS RUBY RICHARDSON who died on the tenth day of March 2017 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 June 2017 after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this thirty first day of May 2017.

REBECCA SMITH, TRUST ADMINISTRATOR.

Tasmanian Government Gazette

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FAYE BEVERLEY GURR late of Aldersgate Nursing Home, Kings Meadows in Tasmania, Domestic Help/Home Duties/ Aged Pensioner, Widowed, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, FAYE BEVERLEY GURR who died on the eleventh day of March 2017 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 June 2017, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this thirty first day of May 2017.

JON ELLINGS, TRUST ADMINISTRATOR.

GARRY MICHAEL BARWICK late of 97 Downhams Town Road, Grasstree Hill in Tasmania, Retired Electrician, Married, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, GARRY MICHAEL BARWICK who died on the seventh day of March 2003 are required by the Administrator, 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 June 2017, after which date the Administrator may distribute the assets, having regard only to the claims of which it then has notice.

Dated this thirty first day of May 2017.

MEGAN MCCONNON, TRUST ADMINISTRATOR.

PETER KNIGHT ORBELL late of Sandown Village, Southerwood Drive, Sandy Bay in Tasmania, Retired Accountant, Married, Deceased: Creditors, next of kin and others having claims in respect of the property or estate of the deceased, PETER KNIGHT ORBELL who died on the twenty second day of February 2017 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 Executor thirtieth day of June 2017, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this thirty first day of May 2017.

SARAH JOYES, TRUST ADMINISTRATOR.

PATRICIA MAY COOPER, Home Duties/Widow, deceased, who died on 25 February 2017, late of Queen Victoria Home, Lindisfarne in Tasmania. SANDRA MARGARET BOATWRIGHT, Retired Retail Worker/Married Woman and LYNETTE RUTH BOSWORTH, Teacher/Married Woman, both care of Worrall Lawyers, 133 Macquarie Street, Hobart in Tasmania, as Legal Personal Representatives of PATRICIA MAY COOPER, require that any person who has a claim against the estate, lodge written details of their claim with the Registrar of the Supreme Court of Tasmania at Salamanca Place, Hobart in Tasmania, within 30 days from the date of publication of this notice, after which date the Legal Personal Representatives are at liberty to pay and distribute the assets of the estate, dealing then only with the claims that they have notice.

Dated this thirty first day of May 2017.

WORRALL LAWYERS, Lawyers acting on behalf of the Legal Personal Representatives of the Estate.

LOIS AUDREY COWEN late of 943 Woodbridge Road, Gardners 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 1st day of March 2017 are required by the Executors DEBBIE LEANNE COWEN and 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 1st of July 2017 after which date the Executors may distribute the assets having regard only to the claims of which they have notice.

Dated this thirty first day of May 2017.

E.R. HENRY WHERRETT & BENJAMIN

MARGARET ELLEN SLATER late of Corumbene Nursing Home, New Norfolk 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 18th day of February 2017 are required by the executor NIGEL RUTHERFORD HENRY to send particulars of their claim to the Registrar of the Supreme Court of Tasmania, GPO Box 167, Hobart 7001 by the 1st day of July 2017 after which date the Executor may distribute the assets having regard only to the claims of which he has notice.

Dated this thirty first day of May 2017.

E.R. HENRY WHERRETT & BENJAMIN

LEONARD ROGER PRIEST late of 20 Mary Street, Lewisham in Tasmania, married man, deceased.

Creditors, Next of Kin and others having claims in respect of the property or estate of the abovenamed deceased who died on the 15th day of January 2017 are required by the Executors LISA RAE PRIEST and 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 1st July 2017 after which date the Executors may distribute the assets having regard only to the claims of which they have notice.

Dated this thirty first day of May 2017.

E.R. HENRY WHERRETT & BENJAMIN

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 WAYNE JAMES RADFORD late of 2 Cascade Dam Road, Derby in Tasmania, Forestry Officer/Married intestate may be granted to PATRICIA JEAN RADFORD School Canteen Manager & Bus Driver/ Widow of 2 Cascade Dam Road, Derby in Tasmania, the lawful wife of the said deceased.

Dated this thirty-first day of May 2017.

RAE & PARTNERS, Solicitors for the Applicant

ADMINISTRATION AND PROBATE ACT 1935

Notice of Application to Reseal Probate or Letters of Administration

NOTICE is hereby given that after the expiration of 14 days from the publication hereof WILLIAM ARTHUR COATES of 28 Townhall Avenue, Preston in Victoria, Retired/Married, the executor of the Will of MARJORY CLARE COATES, late of

342 Gilbert Road, Preston in Victoria, Retired Solicitor/Never Married, deceased, to whom probate of the said Will was granted by the Supreme Court of Victoria on the 3rd day of October two thousand and sixteen 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*.

Dated this tenth day of May 2017.

GREG SMITH & CO.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

NOTICE is hereby given that, after the expiration of fourteen (14) 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 WILLIAM FLANAGAN late of 36 Eardley Street, South Launceston in the State of Tasmania Married/ Agricultural Engineering Consultant deceased, intestate, may be granted to TRACY EDINGTON-MACKAY of 36 Eardley Street, South Launceston in Tasmania Widow/Manager, the wife of the said deceased.

Dated this thirty-first day of May 2017.

DOUGLAS & COLLINS, 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 ANDREW PHILIP SMITH late of 355 Pateena Road, Longford in Tasmania, Refrigeration Mechanic/Married intestate may be granted to KRISTY LEE SMITH Unemployed/Married of 355 Pateena Road, Longford in Tasmania, the lawful wife of the said deceased.

Dated this thirty-first day of May 2017.

RAE & PARTNERS, Solicitors for the Applicant

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 14 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 Annexed) of the estate of ROBERT STEVENSON late of 56 East Derwent Highway, Lindisfarne, TAS 7015 deceased, intestate, may be granted to PAMELA ANNE CHALMERS of 8 Wentworth Street, Bellerive, TAS 7018 one of the residuary legatees named in the Will of the said deceased.

Dated this thirty-first day of May 2017.

JUSTIN MCMULLEN, Lawyer
Legal Practitioner for Applicant

Anti-Discrimination

ANTI-DISCRIMINATION ACT 1998

EQUAL OPPORTUNITY TASMANIA

EXEMPTION/S GRANTED

The following application for exemption from the provisions of the *Anti-Discrimination Act 1998* (Tas) (the Act) has been granted:

1. Workskills Incorporated – 17/03/060 – Application for an exemption granted under section 57 of the Act for a period of three years.

This exemption has been granted to permit Workskills Incorporated to specifically recruit and employ at least one Aboriginal and/or Torres Strait Islander to the position of Youth Coach, as part of the Empowering Youth Initiative through Impact Communities on the basis that:

- (a) Aboriginal and/or Torres Strait Islander youth unemployment is high compared to the general population.
- (b) The Youth Coach will assist young people to build employability skills based on the Australian Blueprint for Career Development.
- (c) The Youth Coach will coordinate appropriate services to assist young people with non-vocational issues.

Granted on the 18th day of May 2017.

The exemption is for the period of three (3) years subject to the fulfilment of the conditions that Workskills Incorporated:

- a) report on or before 18 November 2017 to the Anti-Discrimination Commissioner on any actions taken in reliance on this exemption; and
- b) report on or before 18 May 2020 to the Anti-Discrimination Commissioner on the success of the program; and
- c) on at least one occasion in the 12 months immediately after this order is made, organise and promote community education for its staff and volunteers of Workskills Incorporated through Equal Opportunity Tasmania's community education program to increase awareness of rights and obligations under the *Anti-Discrimination Act 1998* (Tas).

A person may apply to the Anti-Discrimination Tribunal for a review of the Commissioner's decision **within 28 days from the date of this notice being published.**

SARAH BOLT, Anti-Discrimination Commissioner

ANTI-DISCRIMINATION ACT 1998

EQUAL OPPORTUNITY TASMANIA

EXEMPTION/S GRANTED

The following application for exemption from the provisions of the *Anti-Discrimination Act 1998* (Tas) (the Act) has been granted:

1. Australian Red Cross Society – 17/03/025 – Application for an exemption granted under section 57 of the Act for a period of three years.

This exemption has been granted to permit Australian Red Cross Society to advertise and appoint an Aboriginal and/or Torres Strait Islander to a volunteer position on Australian Red Cross Society's Tasmanian Divisional Advisory Board on the basis that:

- a) the position is consistent with the Australian Red Cross Society's aims developed in the *Bright Futures – Reconciliation Action Plan 2015-2018* which guides the organisation's policies and practices in recruiting, retaining and supporting Aboriginal and/or Torres Strait Islander staff and volunteers; and
- b) the position is consistent with Australian Red Cross Society's goal of increasing the current representation of its Aboriginal and/or Torres Strait Islander workforce by 2018 including governance and volunteer positions; and
- c) Aborigines and/or Torres Strait Islanders are recognised as being members of a disadvantaged group in respect of employment. Australian Red Cross Society's *Bright Futures – Reconciliation Action Plan 2015-2018* is a scheme developed for the benefit of a disadvantaged group and a program that promotes equal opportunity for members of the Aboriginal and/or Torres Strait Islander community.

Granted on the 23rd day of May 2017.

The exemption is for the period of three (3) years subject to the fulfilment of the conditions that Australian Red Cross Society:

- a) report on or before 30 November 2017 to the Anti-Discrimination Commissioner on any actions taken in reliance on this exemption; and
- b) on at least one occasion in the 12 months immediately after this order is made, organise and promote community education for its staff and volunteers of the Tasmanian Divisional Advisory Board through Equal Opportunity Tasmania's community education program to increase awareness of rights and obligations under the *Anti-Discrimination Act 1998* (Tas).

A person may apply to the Anti-Discrimination Tribunal for a review of the Commissioner's decision **within 28 days from the date of this notice being published.**

SARAH BOLT, Anti-Discrimination Commissioner

Civil Liability

CIVIL LIABILITY ACT 2002

Notice Under Section 27 of the Civil Liability Act 2002

FOR the financial year commencing 1 July 2017, the values of Amount A and Amount B for the purposes of section 27 of the *Civil Liability Act 2002* are specified to be:

Amount A = \$5,500

Amount B = \$27,500

THE HON MATTHEW GROOM,
Acting Minister for Justice.

Erratum

Erratum: The notice of retirement of A Lendvay (Registered Nurse) in the State Services Notices of (10/05/2017) is hereby rescinded.

MICHAEL PERVAN,
Secretary of the Department of Health and Human Services

Environmental Management

DRAFT ENVIRONMENTAL MANAGEMENT AND POLLUTION CONTROL (SMOKE) REGULATIONS 2017 AND REGULATORY IMPACT STATEMENT

Submissions are invited on the draft Environmental Management and Pollution Control (Smoke) Regulations 2017 and associated Regulatory Impact Statement (RIS), prepared in accordance with the *Subordinate Legislation Act 1992*.

The draft Regulations are intended to replace the *Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007*, which expire in August 2017.

The main objective of the new Regulations will be to limit the smoke produced by heaters, fireplaces, outdoor cooking appliances and 'backyard burning' in and around urban areas.

The regulations will therefore place limits on visible smoke emissions from wood-fired heating and cooking appliances. They will also specify the circumstances under which backyard burning can take place and the types of material that may not be burnt.

In addition, new wood heaters for sale will be required to conform with the most recent Australian Standards for efficiency and emissions.

The combined RIS and draft Regulations may be downloaded as a single document from www.epa.tas.gov.au. Alternatively, the document can be obtained by calling (03) 6165 4599 or by emailing the following address:

EnvironmentEnquiries@environment.tas.gov.au

Submissions must be in writing and may be sent to the email address given above.

Alternatively, written submissions may be forwarded to:

Environmental Policy and Support Services Section
EPA Tasmania
Department of Primary Industries, Parks, Water and Environment
GPO Box 1751
HOBART, TAS 7001

Submissions must be received by 5.00 p.m., Friday 30 June 2017.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Sections 18)

Pursuant to the provisions of Section 18 of the *Land Acquisition Act 1993* Launceston City Council hereby declares that the land in the schedule hereto is taken and vested in the Council absolutely under the said Act for the authorised purpose of widening of a local highway.

SCHEDULE

All that land having an area of 3441 m² identified as lot 2 on the unregistered plan of survey by Dallas John McCulloch dated 30 June 2016 being land situate in the City of Launceston and part of Folio of the Register Volume 53931 Folio 6 also known as 794 Golconda Road Lebrina in Tasmania.

DATED this 1st day of June 2017

Robert Dobrzynski
General Manager
Launceston City Council

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 the 22nd day of May 2017

DR STEVEN JOHN REUBEN PATCHETT

Dated this twenty-second day of May, 2017.

PROFESSOR KENNETH CLIFFORD KIRKBY,
Acting Chief Civil Psychiatrist/Chief Forensic Psychiatrist

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 25th day of May 2017

MEGAN ELIZABETH HUGHES

Dated this twenty-fifth day of May, 2017.

PROFESSOR KENNETH CLIFFORD KIRKBY,
Acting Chief Civil Psychiatrist/Chief Forensic Psychiatrist

Professional Standards

PROFESSIONAL STANDARDS ACT 2005

Notification pursuant to section 14

Pursuant to section 14 of the *Professional Standards Act 2005*, I authorise the publication of the **Chartered Accountants Australia and New Zealand Professional Standards Scheme (Victoria)** submitted to me by the Professional Standards Council of Victoria pursuant to the mutual recognitions of the Victorian and Tasmanian professional standards legislation. The Scheme is published with this authorisation and commences 2 months after the date of publication. The scheme remains in force from the date of its commencement until its expiry, unless the scheme is revoked, extended, or its operation ceases as specified in the Act.

THE HON. MATTHEW GROOM,
Acting Attorney General

(Instrument of the Chartered Accountants Australia and New Zealand Professional Standards Scheme (Victoria) to be also published in the *Gazette*)

PROFESSIONAL STANDARDS ACT 2005

Notification pursuant to section 14

Pursuant to section 14 of the *Professional Standards Act 2005*, I authorise the publication of **The South Australian Bar Association Inc Professional Standards Scheme** submitted to me by the Professional Standards Council of South Australia pursuant to the mutual recognitions of the South Australian and Tasmanian professional standards legislation. The Scheme

is published with this authorisation and commences on 1 July 2017. The scheme remains in force from the date of its commencement until its expiry, unless the scheme is revoked, extended, or its operation ceases as specified in the Act.

THE HON. MATTHEW GROOM,
Acting Attorney General
(Instrument of The South Australian Bar Association Inc Professional Standards Scheme (Victoria) to be also published in the *Gazette*)

Public Trustee

PUBLIC TRUSTEE ACT 1930

NOTICE is hereby given that the Public Trustee has filed in the office of the Registrar of the Supreme Court at Hobart an election to administer the estate(s) of

IVY MAY WRANKMORE late of Campbell Town Health & Community Service Centre 70 High Street Campbell Town in Tasmania Home Duties/Widow deceased

DOROTHY JOAN WRIGHT late of Aldersgate Nursing Home 12 Hobart Road Kings Meadows in Tasmania Home Duties/Widow deceased

DAVID JOSEPH MORGAN late of 9A Lower Madden Street Devonport in Tasmania Retired Teacher Aide/De Facto Man deceased Intestate

CYRIL JAMES TANNER late of Unit 25 23 Hart Street Newstead in Tasmania Retired Public Servant/Divorced Man deceased

Dated this thirty-first day of May 2017.

DAVID BENBOW, Chief Executive Officer, Public Trustee

Public Notice

This is actual constructive notice that the special private arrangements identified with the following designations exist and are active: 530878599011-PWB-058; 530878599011-PWB-063; 530878599011-PWB-070 and 530878599011-PWB-080.

This is actual constructive notice that Peter Browning, sharing privity with the ens legis entity Peter BROWNING and all derivatives thereof, is the personal representative without recourse for the same.

Parties of interest requiring further particulars on either matter may write in confidence to Peter Browning at P.O. Box 3161 West Hobart.

Professional Standards

Amended

Professional Standards Act 2003 (Victoria) CHARTERED ACCOUNTANTS AUSTRALIA AND NEW ZEALAND PROFESSIONAL STANDARDS SCHEME (Victoria)

PREAMBLE

- A. Chartered Accountants Australia and New Zealand ("CA ANZ") is a national occupational association.
- B. CA ANZ has applied to the Professional Standards Council, appointed under the Professional Standards Act 2003 (Victoria) ("the Act"), for approval of a scheme under the Act, as set out in this document (the Scheme).
- C. The Scheme has been prepared by CA ANZ for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The Scheme is to apply to all participating members referred to in clause 2.1 below, in respect of services provided in Australia. The Scheme will not apply to services provided by participating members in New Zealand, or to services provided in Australia by a member of the New Zealand Institute of Chartered Accountants who does not hold a current Australian Certificate of Public Practice.
- E. CA ANZ has provided the Professional Standards Council with a detailed list of risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. All participating members referred to in clause 2.1 of the scheme are subject to disciplinary measures under the By-laws of CA ANZ, and are also subject to the professional indemnity insurance requirements of Regulation R4A of CA ANZ's regulations.
- G. The Scheme is intended to commence on 8 October 2014 and remain in force for a period of 5 years (unless it is revoked, extended or ceases in accordance with section 34 of the Act).

CHARTERED ACCOUNTANTS AUSTRALIA AND NEW ZEALAND PROFESSIONAL STANDARDS SCHEME (Victoria)

1. OCCUPATIONAL ASSOCIATION

- 1.1 This Scheme is a scheme under the Act prepared by CA ANZ, whose business address is 33 Erskine Street, Sydney NSW 2000.
- 1.2 Terms used in the Scheme are defined in the Scheme, including in clause 4.
- 1.3 This Scheme is intended to operate in Victoria and Tasmania.

2. PERSONS TO WHOM THE SCHEME APPLIES

- 2.1 The Scheme applies to:
 - (a) all CA ANZ members who hold a current Australian Certificate of Public Practice issued by CA ANZ (for the avoidance of doubt, the Scheme will only apply to a CA ANZ member who is also a member of the New Zealand Institute of Chartered Accountants, if the member holds a current Australian Certificate of Public Practice) other than holders of an Australian financial services licence and their authorised representatives and employees, not being limited licensees, as defined in the Corporations Regulations 2001 as amended, their authorised representatives or employees; and
 - (b) all affiliate members of CA ANZ; and

Amended

- (c) all practice entity members of CA ANZ other than holders of an Australian financial services licence and their authorised representatives and employees, not being limited licensees, as defined in the Corporations Regulations 2001 as amended, their authorised representatives or employees; and
- (d) all persons (including persons in categories (a), (b) and (c) above) to whom the Scheme applied at the time of the relevant act or omission on which a cause of action for damages for occupational liability is founded¹, whether or not the Scheme would otherwise still apply to those persons

(collectively, "Participants", and each, a "Participant").

- 2.2 No Participant to whom the Scheme applies may choose not to be subject to the Scheme, provided that CA ANZ may, on application by a Participant, exempt the Participant from the Scheme if CA ANZ is satisfied that he or she would suffer financial hardship in obtaining professional indemnity insurance to the levels set out in clause 3.1 below.

3. LIMITATION OF LIABILITY

- 3.1 The Scheme only limits the liability of a Participant for damages arising from a claim to the extent to which the liability results in damages exceeding \$2 million.

LIMITATION OF LIABILITY FOR CATEGORY 1 SERVICES

- 3.2 Where a Participant against whom a proceeding is brought relating to occupational liability in connection with Category 1 services is able to satisfy the court of (a), (b) or (c) below, the Participant is not liable in damages in relation to that claim above the applicable monetary ceiling specified in clause 3.3:

- (a) the Participant has the benefit of an insurance policy insuring the Participant against that occupational liability, and the amount payable under the insurance policy in respect of the occupational liability relating to that claim (including any amount payable by the Participant by way of excess under or in relation to the policy) is not less than the amount of the Category 1 monetary ceiling specified in clause 3.3 below;

OR

- (b) the Participant has business assets the net current market value of which is not less than the amount of the Category 1 monetary ceiling;

OR

- (c) the Participant has business assets and the benefit of an insurance policy insuring the Participant against that occupational liability, and the net current market value of the assets and the amount payable under the insurance policy in respect of the occupational liability relating to that claim (including any amount payable by the Participant by way of excess under or in relation to the policy), if combined, would total an amount that is not less than the amount of the Category 1 monetary ceiling.

- 3.3 The Category 1 monetary ceiling is:

- (a) \$2 million, where the claim arises from a service in respect of which the fee is less than \$100,000;

OR

- (b) \$5 million where the claim arises from a service in respect of which the fee is \$100,000

¹ Sections 20 and 21 of the Act provide that if the scheme applies to a body corporate or a person, it also applies to each officer of the body corporate and to each partner and employee of the person, provided that if the officer, partner or employee is entitled to be a member of the same occupational association as the body corporate or person, but is not a member, the scheme does not apply to that officer, partner or employee. Section 22 provides that the scheme will also apply to any associated persons who are prescribed by regulations.

Amended

or more, but less than \$300,000;

OR

- (c) \$10 million where the claim arises from a service in respect of which the fee is \$300,000 or more, but less than \$500,000;

OR

- (d) \$20 million where the claim arises from a service in respect of which the fee is \$500,000 or more, but less than \$1,000,000;

OR

- (e) \$50 million where the claim arises from a service in respect of which the fee is \$1,000,000 or more but less than \$2,500,000;

OR

- (f) \$75 million where the claim arises from a service in respect of which the fee is \$2,500,000 or more.

LIMITATION OF LIABILITY FOR CATEGORY 2 SERVICES

3.4 Where a Participant against whom a proceeding is brought relating to occupational liability in connection with Category 2 services is able to satisfy the court of (a), (b), or (c) below, the Participant is not liable in damages in relation to that claim above the monetary ceiling specified in clause 3.5:

- (a) the Participant has the benefit of an insurance policy insuring the Participant against that occupational liability, and the amount payable under the insurance policy in respect of the occupational liability relating to that claim (including any amount payable by the Participant by way of excess under or in relation to the policy) is not less than the amount of the Category 2 monetary ceiling specified in clause 3.5;

OR

- (b) the Participant has business assets the net current market value of which is not less than the amount of the Category 2 monetary ceiling specified in clause 3.5;

OR

- (c) the Participant has business assets and the benefit of an insurance policy insuring the Participant against that occupational liability, and the net current market value of the assets and the amount payable under the insurance policy in respect of the occupational liability relating to that claim (including any amount payable by the Participant by way of excess under or in relation to the policy), if combined, would total an amount that is not less than the amount of the Category 2 monetary ceiling specified in clause 3.5.

3.5 The Category 2 monetary ceiling applicable to Participants is:

- (a) \$2 million, where the relevant fee is less than \$100,000;

OR

- (b) \$5 million, where the relevant fee is \$100,000 or more, but less than \$300,000;

OR

- (c) \$10 million, where the relevant fee is \$300,000 or more, but less than \$500,000;

OR

Amended

- (d) \$20 million where the relevant fee is \$500,000 or more.

For the purposes of this clause, the relevant fee is:

- (a) the highest total of fees billed by a Participant (or if the Participant is a member of a practice entity [whether a practice entity member of CA ANZ or not] by all Participants who are members of or a part of the practice entity) in respect of services provided in a single financial year pursuant to a contract for the provision of Category 2 services or pursuant to or in the course of an appointment for, or which requires, the provision of Category 2 services:
- (i) over the three full financial years immediately prior to the financial year in which the Participant commences to provide the Category 2 services which are the subject of the claim against the Participant, or
 - (ii) if the Participant has less than three full financial years' Category 2 services fee history immediately prior to the financial year in which the Participant commences to provide the Category 2 services which are the subject of the claim against the Participant, over the two full financial years or (if the Participant has less than two years' but one year's or more than one year's such fee history) that full financial year immediately prior to the financial year in which the Participant commences to provide the Category 2 services which are the subject of the claim,

OR

- (b) if the Participant has no, or less than one full financial year's, Category 2 services fee history immediately prior to the financial year in which the Participant commences to provide the Category 2 services which are the subject of the claim against the Participant, the amount specified in clause 3.1.

LIMITATION OF LIABILITY FOR CATEGORY 3 SERVICES

3.6 Where a Participant against whom a proceeding is brought relating to occupational liability in connection with Category 3 services is able to satisfy the court of (a), (b), or (c) below, the Participant is not liable in damages in relation to that claim above the Category 3 monetary ceiling specified in clause 3.7:

- (a) the Participant has the benefit of an insurance policy insuring the Participant against that occupational liability, and the amount payable under the insurance policy in respect of the occupational liability relating to that claim (including any amount payable by the Participant by way of excess under or in relation to the policy) is not less than the amount of the Category 3 monetary ceiling specified in clause 3.7;

OR

- (b) the Participant has business assets the net current market value of which is not less than the amount of the Category 3 monetary ceiling specified in clause 3.7;

OR

- (c) the Participant has business assets and the benefit of an insurance policy insuring the Participant against that occupational liability, and the net current market value of the assets and the amount payable under the insurance policy in respect of the occupational liability relating to that claim (including any amount payable by the Participant by way of excess under or in relation to the policy), if combined, would total an amount that is not less than the amount of the Category 3 monetary ceiling specified in clause 3.7

3.7 The Category 3 monetary ceiling applicable to Participants is:

- (a) \$2 million, where the claim arises from a service in respect of which the fee is less than \$100,000;

Amended

OR

- (b) \$5million where the claim arises from a service in respect of which the fee is greater than \$100,000 or more, but less than \$300,000;

OR

- (c) \$10 million where the claim arises from a service in respect of which the fee is \$300,000 or more, but less than \$500,000;

OR

- (d) \$20 million where the claim arises from a service in respect of which the fee is \$500,000 or more.

GENERAL

3.8 Pursuant to section 26 of the Act, this Scheme confers on CA ANZ a discretionary authority to specify, on application by a Participant, a higher maximum amount of liability not exceeding \$75 million than would otherwise apply under the scheme in respect of any specified case or class of case of Category 2 services or Category 3 services, where the fee for the service or services is, or is reasonably expected to be, \$2 million or greater. The higher maximum amount of liability will apply if CA ANZ exercises its discretion and approves the higher maximum amount of liability prior to the Participant beginning to provide the relevant services.

3.9 In circumstances where a proceeding is brought against a Participant relating to occupational liability in connection with a combination of Category 1 services and any of:

- (a) Category 2 services;
- (b) Category 3 services;
- (c) Category 2 services and Category 3 services,

the Participant's liability under this Scheme for damages in respect of the occupational liability in excess of the applicable amount specified in clause 3.1 will be determined in accordance with those provisions of the Scheme relating to Category 1 services only, namely clauses 3.2 and 3.3.

3.10 In circumstances where a proceeding is brought against a Participant relating to occupational liability in connection with a combination of Category 2 services and Category 3 services, the participant's liability under this Scheme for damages in respect of the occupational liability in excess of the applicable amount specified in clause 3.1 brought against it will be determined in accordance with those provisions of the Scheme relating to Category 2 services only, namely clauses 3.4 and 3.5.

3.11 Nothing in this Scheme is intended to increase, or has the effect of increasing, a Participant's liability for damages to a person beyond the amount that, other than for the existence of this Scheme, the Participant would be liable in law.

3.12 This Scheme only limits the amount of damages for which a Participant is liable if and to the extent that the damages exceed the applicable amount specified in clause 3.1. Where the amount of damages in relation to a claim exceeds the applicable amount specified in clause 3.1 but the damages which may be awarded as determined by this Scheme are equal to or less than the applicable amount specified in clause 3.1, liability for those damages will instead be limited to the applicable amount specified in clause 3.1.

4. DEFINITIONS

4.1 In this Scheme, the following words and phrases have the following meanings:

Amended

“Category 1 services” means the following services provided in Australia:

- (i) all Corporations Act audits or reviews performed under auditing or assurance standards issued by the Auditing and Assurance Standards Board (including financial statement audits and reviews, Australian financial services licence audits, credit licence audits, and compliance plan audits);
- (ii) all audits or reviews performed by a registered company auditor for the purposes of prudential reporting to the Australian Prudential Regulation Authority;
- (iii) all audits of self-managed superannuation funds under section 35C of the Superannuation Industry (Supervision) Act 1993;
- (iv) all other audits of financial statements which are filed with a regulator, and audit procedures performed on financial information which forms part of a financial statement filed with a regulator

“Category 2 services” means the following services provided in Australia:

- (i) services to which Chapter 5 or Chapter 5A of the *Corporations Act 2001* applies;
- (ii) services provided pursuant to s.233(2) of the *Corporations Act 2001*;
- (iii) services to which the *Bankruptcy Act 1966* applies;
- (iv) services arising out of any court appointed liquidation or receivership

“Category 3 services” means the following services provided in Australia: any services provided by a Participant in the performance of his, her or its occupation, which are not Category 1 services or Category 2 services.

“occupational liability” has the meaning given in the Act.

Professional Standards Act 2004 (SA)**THE SOUTH AUSTRALIAN BAR ASSOCIATION INC
PROFESSIONAL STANDARDS SCHEME**

PREAMBLE

- A. The South Australian Bar Association Inc (**the Bar**) is an occupational association.
- B. The Bar has made an application to the Professional Standards Council, appointed under the *Professional Standards Act 2004 (SA)* (**the Act**), for a Scheme under the Act.
- C. The Scheme is prepared by the Bar for the purposes of limiting occupational liability to the extent to which such liability may be limited under the Act.
- D. The Scheme propounded by the Bar is to apply to ordinary members of the Bar who have professional indemnity insurance that complies with the *Legal Practitioners Act 1981 (SA)* in respect of a liability potentially limited by the Scheme.
- E. The Bar has furnished the Council with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.
- F. The Scheme is intended to commence on 1 July 2017 and remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to section 34 of the Act.
- G. The Scheme is also intended to apply in New South Wales, Victoria, Queensland, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory, under the mutual recognition provisions of the professional standards legislation.

THE SOUTH AUSTRALIAN BAR ASSOCIATION INC PROFESSIONAL STANDARDS SCHEME

1. Definitions

“Act” means the *Professional Standards Act 2004* (SA);

“Acts” means the Act and each corresponding law;

“Corresponding Law” means a law of another jurisdiction that corresponds to the Act;

“Court” has the same meaning as it has in the Acts;

“Duration of the Scheme” means the period commencing on the date specified in clause 7.1 and ending upon the cessation of the Scheme pursuant to clause 7.2;

“Exempted Member” means an Ordinary Member who is or was at a Relevant Time exempted by the Bar from participation in the Scheme pursuant to clause 4.3;

“Legal Practitioners Act” means the *Legal Practitioners Act 1981* (SA) or any Act enacted in substitution thereof;

“Monetary Ceiling” means, in respect of a liability in respect of a cause of action founded on an act or omission occurring after the commencement of the Scheme, the sum of \$1,500,000;

“Occupational Liability” has the same meaning as it has in the Acts;

“Ordinary Member” means a person who is or was at a relevant time an ordinary member within the meaning of and pursuant to the South Australian Bar Association Inc Constitution;

“Person” means an individual or a body corporate;

“Relevant Time” means, in respect of a liability potentially limited by the Scheme, the time(s) of the act(s) or omission(s) giving rise to the liability;

“The Scheme” means the South Australian Bar Association Inc Scheme

constituted herein;

“*Scheme Participant*” means a person referred to in clause 4.1 or 4.2;

“*Single Claim*” has the same meaning as it has in the Acts;

“*The Bar*” means the South Australian Bar Association Inc.

2. Occupational Association

- 2.1. The Scheme is a Scheme under the Act prepared by the Bar whose business address is Level 12, 211 Victoria Square, Adelaide, South Australia.

3. Jurisdictions in which the Scheme Applies

- 3.1. The Scheme applies in South Australia pursuant to the Act.
- 3.2. The Scheme applies in New South Wales, Victoria, Queensland, Western Australia, Tasmania, the Australian Capital Territory and the Northern Territory pursuant to the corresponding laws of each of those jurisdictions respectively.
- 3.3. Notwithstanding anything to the contrary contained in this Scheme, if in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this Scheme should be capped by both this Scheme and also by any other Scheme under Professional Standards legislation (whether of this jurisdiction or under the law of any other Australian State or Territory) and if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

4. Persons to Whom the Scheme Applies

- 4.1 The Scheme applies to all persons who:
- 4.1.1 are or at the relevant time were Ordinary Members of the Bar;
- 4.1.2 are or were at the relevant time not Exempted Members; and

4.1.3 have professional indemnity insurance that complies with the *Legal Practitioners Act* in respect of a liability potentially limited by the Scheme.

4.2 The Scheme applies to all persons to whom the Scheme applies by virtue of sections 20, 21, and 22 of the Act and the corresponding sections of the Corresponding Laws.

4.3 The Bar may, upon written application by an Ordinary Member, exempt that person from participation in the Scheme with effect from a date specified by the Bar on or after the date on which the exemption is granted.

4.4 The Bar may, upon application by an Ordinary Member, revoke an exemption of that person from participation in the Scheme with effect from a date specified by the Bar.

5. Conferral of Discretionary Authority

5.1 The Scheme confers on the Bar a discretionary authority, on application by a Scheme Participant, to specify in relation to the person a higher maximum amount of liability than would otherwise apply under the Scheme in relation to the person either in all cases or in any specified case or class of case, being an amount not exceeding \$50 million.

6. Limitation of Liability

6.1 The occupational liability of a person who is or was at the Relevant Time a Scheme Participant and the subject of a single claim in respect of one or more causes of action founded on an act or omission occurring during the Duration of the Scheme, to the extent to which it is an Occupational Liability, is limited to the amount of the Monetary Ceiling.

6.2 The liability which is limited by clause 6.1 extends to a liability for damages (including interest and costs) within the meaning of the Acts but excludes a liability to which the Act does not apply from time to time by reason of section 5 thereof or, if the liability is governed by a corresponding law, excludes a liability to which the Corresponding Law does not apply from time to time by reason of its provisions.

- 6.3 The operation of clause 6.1 limiting the liability of a person is subject to the proviso that the person is able to satisfy the Court that:
- 6.3.1 the person has the benefit of an insurance policy complying with the *Legal Practitioners Act* insuring the person against the occupational liability to which the cause of action relates; and
 - 6.3.2 the amount payable under the policy in respect of that occupational liability is not less than the amount of the Monetary Ceiling.
- 6.4 The limitation of liability that, to the extent provided by the Act and the provisions of the Scheme, applies in respect of an act or omission continues to apply to every cause of action founded on it, irrespective of when the proceedings are brought in respect of it, and even if the Scheme has been amended or has ceased to be in force.
- 6.5 For the purposes of section 28 of the Act, the Scheme only affects a liability for damages arising from a Single Claim (including a claim by a person who has 2 or more causes of action arising out of a single event) exceeding \$1,500,000.

7. Duration of the Scheme

- 7.1 The Scheme commences on 1 July 2017. In the event that the Scheme is published in the *Government Gazette* of any jurisdiction after 1 July 2017, the Scheme will commence on such day 2 months after the date of its publication in that jurisdiction.
- 7.2 Subject to clause 7.3, the Scheme will remain in force for a period of 5 years from its commencement in South Australia unless:
- 7.2.1 it is revoked or ceases in accordance with the Act, or
 - 7.2.2 it is extended in accordance the Act.
- 7.3 The Scheme will cease to operate in a jurisdiction referred to in clause 3.2 if it is revoked or ceases in accordance with the Corresponding Law of that jurisdiction.

Cities Councils

BURNIE CITY COUNCIL

Waste Collection and Waste Management By-Law No 2 of 2017

BY-LAW made under section 145 of the *Local Government Act 1993* for the purpose of regulating the storage, collection and disposal of waste in the City of Burnie.

Part 1

PRELIMINARY

SHORT TITLE

1. This By-law may be cited as the Waste Collection and Waste Management By-law, Number 2 of 2017.

COMMENCEMENT

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

APPLICATION

3. This By-law applies to the municipal area of the City of Burnie.

INTERPRETATION

4. In this By-law:

“approved” means given the appropriate approval by Council;

“at the kerbside” means at or near the back of the kerbface of a road, street or way and where there is no kerb, “at the kerbside” means at the outside edge of the carriageway;

“authorised officer” means an employee authorised by the General Manager for the purposes of this By-law;

“biohazardous waste” means waste that arises from medical, dental or similar procedures that is or has the potential to become, harmful to human health;

“Code of Practice” means the Code of Practice published by Safe Work Australia, titled *How to Safely Remove Asbestos*, CP113 2016, and as amended after this date;

“collection container” means a wheelie bin, recycling bin, or such other receptacle approved by the General Manager for the storage and collection of waste;

“controlled waste” means controlled waste as defined in the *Environmental Management and Pollution Control Act 1994*;

“commercial waste” means waste generated from wholesale, retail or service business;

“Council” means Burnie City Council;

“Director” means the Director of Environmental Management holding office under Section 18 of the *Environmental Management and Pollution Control Act 1994*;

“domestic or commercial waste wheelie bin” means a mobile wheelie bin of a size no greater than 240 litre capacity for the collection of domestic or commercial waste”;

“domestic waste” means all domestic garbage and waste arising from human habitation and the usual routine of housekeeping;

“Food Organics and Garden Organics Waste” means compostable waste such as lawn clippings, tree and shrub prunings, kitchen: fruit, vegetable, dairy, cereal and meat waste and biodegradable kitchen waste and bin liners;

“e-waste” means waste consisting of discarded electronic products such as computers, television and mobile phones;

“garden waste” means branches, grass, leaves, plants, loppings, tree trunks, tree stumps and the like and includes any mixture of those materials;

“General Manager” is the person appointed as the General Manager of the Council;

“litter bin” means a litter bin in a public place provided by the Council for public use to dispose of litter;

“low level controlled waste means:

- (a) less than 10 square metres of non-friable asbestos;
- (b) scrap tyre waste;
- (c) untreated solid sewage products such as grit and screening, but not sewage sludge and septic waste; and
- (d) medical waste such as sharps in an approved sealed sharps container and sanitary waste, but not infectious or cytotoxic waste.”

“municipal area” means the municipal area of the City of Burnie;

“notice” means a Council notice:—

- (a) displayed or set up in a public place or adjacent to a public place in the municipal area; or
- (b) in a daily newspaper circulating in the municipal area; or

- (c) forwarded by the Council or General Manager to a person to whom this By-law applies;

“noxious waste” means the highly putrescible content of waste and any animal carcasses, fish and poultry, offal, kitchen wastes and other offensive matter;

“organic and garden waste wheelie bin” means a mobile wheelie bin with a green lid approved by Council for the collection of food and garden organic waste and/or garden waste;

“public place” means:

- (a) any land (including highway) owned by or under the control of the Council
 (b) any public land in the municipal area and any building or structure in or upon that land
 (c) any property or facility owned, controlled, managed or maintained by the Council or otherwise being the responsibility of the Council;

“recyclable” means:

- (a) brown paper packaging - with the clear plastic 'window' removed
 (b) clean paper and cardboard
 (c) glass containers (empty and free of residue)
 (d) aluminium cans, steel cans, tin-plated steel cans, aluminium foil, paint tins and aerosol cans (all empty)
 (e) plastic containers and bottles (empty with lids off)
 (f) any other items determined by Council

“recyclable wheelie bin” means a mobile wheelie bin with a yellow lid and approved by Council for the collection of recyclable material;

“recycling centre” means an area set aside by the Council for receiving materials that are recyclable and may include a shop;

“scavenge” means to pick up, move or take away any discarded item;

“scavenging agreement” means an agreement made between the council and a person that entitles the person to scavenge at a waste management centre;

“shop” means any land, stall or building with unrestricted access to the general public during the hours when the Waste Management Centre is open to the public where retail goods are offered for sale;

“the Act” means the *Local Government Act 1993*;

“trade waste” means liquid waste and any solids contained in it (excluding sewage), generated by, or collected from, any industry, business, trade process, manufacturing process, or commercial activity from, on, or in relation to land, including, but not limited to:—

- (a) commercial food waste;
- (b) any matter discharged from any laundry used in relation to commercial activities or for commercial purposes including but not limited to laundrettes, hotels, motels, hospitals, and schools;
- (c) any matter discharged:
- (i) from any industrial or commercial cooling, refrigeration or air conditioning system;
- (ii) from any marine vessel to land;
- (iii) as run-off water used to extinguish a fire or to deal with any other hazard or emergency on land used for industrial or commercial activities;
- (iv) as leachate from any private, commercial or municipal landfill disposal site.

“vehicle” has the same meaning as in the *Road Rules 2009*;

“waste” means any domestic waste, recyclables, food organics and garden organics waste, biohazardous waste, controlled waste, noxious waste, trade waste and other waste, debris, litter, or any other similar materials, articles or things that is by notice determined to be waste;

“waste collection area” means that part of the municipal area served by a kerbside waste collection service;

“Waste Management Centre” means an area within the municipal area of the City of Burnie set aside by the Council for the collection of waste, and includes a waste transfer station, resource recovery and recycling centre;

“wheelie bin” means a mobile disposal bin of no greater than 240 litre capacity.

Part 2

USERS OF KERBSIDE WASTE COLLECTION SERVICES

5. (1) A person who is the occupier of domestic premises or the occupier of commercial premises using the Council waste collection service, must use a wheelie bin for the purpose of utilising any or all of the Council’s domestic, waste, recyclables, food organics and garden waste collection service.

Penalty: fine not exceeding 5 penalty points.

- (2) A person who is the occupier of a domestic premises or the occupier of a commercial premises using any of the Council collection services is to:
- (a) place all waste they wish to be collected by the Council in a wheelie bin; and
 - (b) keep the wheelie bin in good repair and thoroughly clean and in a sanitary condition; and
 - (c) keep the lid of the wheelie bin closed except when waste is being placed in it.
6. The Council or its authorised contractor will only collect waste that is contained within an approved wheelie bin with the lid closed.
7. The Council or its authorised contractor will only collect waste that is placed at the kerbside on the designated collection day at or before:
- (a) 7:30am for domestic waste;
 - (b) 6:00am for recyclables;
 - (c) 7.30am for food organics and garden organics waste; or
 - (d) as otherwise specified by notice from the Council.
8. No person other than the Council or its authorised contractor is to collect waste placed in an approved collection container for collection by Council's kerbside waste collection service.
- Penalty:** fine not exceeding 5 penalty points.
9. A person must comply with any direction from an authorised officer in relation to the storage, collection, transport or disposal of waste in the municipal area.
10. **Domestic and/or Commercial Wheelie Bins**
A person who is the occupier of domestic premises or the occupier of commercial premises using the Council's domestic or commercial waste collection service may provide their own wheelie bin and must:
- (a) Ensure that contents of the wheelie bin, when put out for collection, does not exceed 50 kilograms in weight; and
 - (b) clean and disinfect the wheelie bin.
11. **Approved Recyclables Wheelie Bins**
For the purpose of disposing of recyclable waste through the Council waste collection service, a person who is the occupier of domestic premises must:
- (a) use only an approved Council recyclables wheelie bin; and
 - (b) ensure the total weight of the container and recyclables when put out for collection does not exceed 50 kilograms; and
- (c) leave the approved recyclables wheelie bin at the premises when vacating the premises.
12. **Approved Food and Organics and/or Garden Waste Wheelie Bins**
For the purpose of disposing of food and organics and/or garden waste that is collectable through the Council waste collection service, a person who is the occupier of domestic premises must:
- (a) use only an approved Council organic and garden waste wheelie bin; and
 - (b) ensure the total weight of the container and recyclables when put out for collection does not exceed 50 kilograms; and
 - (c) clean and disinfect the wheelie bin; and
 - (d) leave the approved organic and garden waste wheelie bin at the premises when vacating the premises.
- KERBSIDE DOMESTIC WASTE COLLECTION**
- 13.
- (1) The Council may provide a kerbside domestic waste collection service for domestic waste within the waste collection area upon such conditions and terms as determined by the Council.
 - (2) An occupier of land within a waste collection area:
 - (a) must not place in a domestic waste collection container to be collected by the Council's domestic waste collection service any:
 - (i) recyclable materials
 - (ii) e-waste;
 - (iii) hot or burning matter;
 - (iv) garden waste;
 - (v) liquid waste;
 - (vi) medical waste including sharps;
 - (vii) items likely to rupture or pierce the domestic waste collection container whilst it is being collected, emptied or transported in the collection vehicle.
 - (b) must not place in a domestic waste collection container any:
 - (i) biohazardous waste;
 - (ii) controlled waste;
 - (iii) noxious waste; or
 - (iv) trade waste;
 unless otherwise approved by the General Manager or an authorised officer.
- Penalty:** fine not exceeding 5 penalty units.

KERBSIDE RECYCLABLES COLLECTION

14.

- (1) The Council may provide a kerbside recyclables collection service for recyclable materials within a designated waste collection area upon such conditions and terms as determined by the Council.
- (2) All premises within a kerbside waste collection area will be provided with an approved collection container for the storage and collection of recyclables.
- (3) An approved collection container provided in accordance with sub-clause 14(2) remains the property of the Council or its authorised contractor unless otherwise advised by notice by the General Manager.

KERBSIDE FOOD ORGANICS AND GARDEN ORGANICS WASTE COLLECTION

15.

- (1) The Council may provide a kerbside collection service for food organics and garden organics waste within a designated waste collection area upon such conditions and terms as determined by the Council.
- (2) All premises within a food organics and garden organics waste collection area will be provided with an approved collection container for the storage and collection of food organics and garden organics waste.
- (3) An approved collection container provided in accordance with sub-clause 15(2) remains the property of the Council or its authorised contractor unless otherwise advised by notice by the General Manager.

CONVEYANCE OF WASTE TO A WASTE MANAGEMENT CENTRE

16.

- (1) A person must not within the municipal area convey in or on any vehicle or in or on a trailer towed by a vehicle any waste, unless the same is in a sealed container or effectively covered with a tarpaulin or other suitable cover.
- (2) The waste must be conveyed in such a manner as to prevent:
 - (a) the escape of any of the contents from the vehicle or container; or
 - (b) the emission of any offensive odours from the container; or
 - (c) the creation of any nuisance.

Penalty: fine not exceeding 5 penalty units.

WASTE MANAGEMENT FACILITIES**NORMAL HOURS OF WASTE MANAGEMENT CENTRE**

17.

- (1) Waste may only be deposited at a Waste Management Centre during normal hours of operation of that Waste Management Centre and on payment of the relevant fee or charge imposed under section 205 of the Act.
- (2) Normal hours of operation of the Waste Management Centre will be determined by the General Manager from time to time and notified by a sign erected at the Waste Management Centre.

ACCESS TO WASTE DISPOSAL SITES

18.

- (1) The General Manager may by notice refuse access to any Waste Management Centre.
- (2) A person must not:
 - (a) enter any Waste Management Centre for any purpose other than:
 - (i) to deposit waste;
 - (ii) to deposit recyclable materials in an area within the Waste Management Centre area designated by the Council or an authorised officer for that purpose; or
 - (iii) with the written permission of an authorised officer, to remove items deposited there; or
 - (iv) to visit any shop situated within the Waste Management Centre.
 - (b) without the written permission of an authorised officer, remain in a Waste Management Centre longer than is reasonably necessary to deposit waste or recyclable materials that person has brought to that area.
 - (c) without written permission from an authorised officer enter a Waste Management Centre when the area is closed.

Penalty: A fine not exceeding 10 penalty units.

DISPOSAL OF WASTE

19.

- (1) Any person depositing waste at a Waste Management Centre must:
 - (a) comply with any direction by an authorised officer; and
 - (b) comply with any direction on any sign at that Waste Management Centre.

Penalty: A fine not exceeding 5 penalty units.

- (2) An authorised officer may refuse to accept any waste at a Waste Management Centre which in the opinion of the authorised officer:
- (a) may be hazardous to employees of Council or employees of its authorised contractor or the public unless authorised under sub-clause 3; or
- (b) is excluded by the Environmental Protection Notice conditions for the Waste Management Centre.

- (3) Subject to clause 19(4) of this By-law a person must not deposit any controlled waste at a Waste Management Centre without the prior written approval of the Director and may only do so upon such conditions as that person may determine.

Penalty: A fine not exceeding 20 penalty units.

- (4) Subject to complying with any relevant provisions of this By-law a person may deposit at a Waste Management Centre any low level controlled waste.
- (5) Prior to depositing any low level controlled waste at a Waste Management Centre a person must notify an authorised officer at the Waste Management Centre of that person's intention to deposit such waste.

OFF-LOADING WASTE AT WASTE MANAGEMENT CENTRE

20. A person must not:

- (1) deposit any waste in a Waste Management Centre outside normal hours of operation;
- (2) deposit any waste outside the boundary of any Waste Management Centre;
- (3) deposit any waste within any Waste Management Centre, except in such place and position and in such manner and under such conditions approved by the General Manager or an authorised officer or in accordance with any signs erected;
- (4) deposit any material capable of becoming airborne, without first securing it from being scattered by the wind;
- (5) deposit sharps at a Waste Management Centre except at such place and position and in such manner and under such conditions approved by an authorised officer;
- (6) remain within any Waste Management Centre longer than is necessary to deposit

waste brought to that area unless with the consent of an authorised officer;

- (7) fail to comply with any direction given by an authorised officer.

Penalty: a fine not exceeding 5 penalty units.

DISPOSAL OF ASBESTOS

21.

- (1) Asbestos or any material containing asbestos is not to be delivered to or deposited at the Waste Management Centre by a person other than in accordance with the following requirements:

- (a) The asbestos is non friable and of area less than 10m²;
- (b) Notification is made to the Waste Management Centre prior to arriving on site;
- (c) The Toll Booth Operator is notified upon arrival that asbestos is contained within the materials to be deposited;
- (d) The asbestos containing material is separated from other waste to be deposited and is wrapped in accordance with the Code of Practice and has a wrapped dimension of less than 1200mm length and 900mm width; and
- (e) The asbestos containing material is deposited in the designated asbestos disposal receptacle.

Penalty: A fine not exceeding 20 penalty units.

- (2) A person disposing of asbestos or any material containing asbestos in accordance with clause 21(1) must comply with any directions given by an authorised officer and any signage erected at the Waste Management Centre related to the placement, storage or disposal of asbestos or asbestos containing material

Penalty: A fine not exceeding 20 penalty units.

LIGHTING OF FIRES

22. A person must not:

- (1) dump hot waste such as recently burnt contents of incinerators or wood heaters, including embers and coals, within a Waste Management Centre; or
- (2) cause or knowingly permit any open burning on a Waste Management Centre otherwise than in an approved heater or incinerator under the supervision of an authorised officer; or

- (3) set fire to any waste within the Waste Management Centre.

Penalty: A fine not exceeding 20 penalty units.

RECYCLING AND SCAVENGING

23.

- (1) A person must not remove any article or thing deposited as waste at a Waste Management Centre, nor interfere with any materials, plant or equipment thereon without the written permission of the General Manager and on such conditions as that person may determine.

Penalty: A fine not exceeding 5 penalty units.

- (2) The General Manager may approve, subject to terms and conditions, a section of any Waste Management Centre for the purpose of collecting material to be recycled provided that the area is:

- (a) fenced or otherwise clearly delineated; and
(b) identified by appropriate signs.

- (3) The Council may enter into a scavenging agreement with a person on such terms and conditions as the Council thinks fit.

- (4) A person must not scavenge in a Waste Management Centre unless that person is authorised to do so by a scavenging agreement.

Penalty: A fine not exceeding 5 penalty units.

GENERAL PROVISIONS

IMPROPER USE OF LITTER BIN

24.

- (1) A person must not place domestic or commercial waste that is in excess of 5 litres in volume in or near a litter bin-

Penalty: A fine not exceeding 5 penalty units.

REQUEST TO LEAVE AN AREA

25.

- (1) A police officer or authorised officer may ask a person found offending against this by-law to leave a Waste Management Centre.
- (2) A person must obey the directions of an authorised officer or a police officer given under this clause.

- (3) A police officer or authorised officer may remove any person from the Waste Management Centre who is offending against this clause.

SUPPLY OF NAME AND ADDRESS

26.

- (1) A person must supply their correct and full name and permanent or present temporary address if requested to do so by an authorised officer or by a police officer.

Penalty: A fine not exceeding 5 penalty units

- (2) A police officer may arrest a person if that officer finds the person offending against this clause or reasonably believes the details provided are false.

Part 3

PENALTIES

INFRINGEMENT NOTICES

27.

- (1) In this clause "specified offence" means an offence against the clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may:
- (a) issue an infringement notice to 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;
- (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.

- (3) Infringement notices may be issued in respect of the offences specified in Column 2 of Schedule 1 to this By-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.

- (4) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action the person issued with an infringement notice must either:

- (a) pay the total amount of the monetary penalty stated on the infringement notice to; or
(b) lodge a notice of election to have the offence heard by a Court with;

the General Manager within 28 days of the date of service of the notice.

- (5) An infringement notice alleging that a vehicle has been used in relation to a prescribed offence may be served by affixing it to that vehicle.
- (6) The Monetary *Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (7) All monies payable to the Council or General Manager under this By-law are a debt due to the Council and recoverable at law.

SCHEDULE 1

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty Units)
5(1)	Complying with direction from an authorised officer	2.5
8	Taking waste or recyclable material	2.5
13(2)	Permitted contents of domestic waste container	2.5
16(2)	Failure to cover waste whilst being conveyed	2.5
18(2)	Entering waste management area for other than an authorised purpose	5
19(1)	Depositing waste without complying with any direction given or sign	2.5
19(3)	Depositing controlled waste without approval of Director	10
20(7)	Failure to comply with depositing requirements at Waste Management Centre	2.5
21(1)	Failure to comply with requirements for depositing asbestos or material containing asbestos	10
21(2)	Depositing asbestos or material containing asbestos without complying with any direction given or sign	10
22(3)	Lighting of fires	10
23(1)	Removing waste from Waste Management Centre without permission	2.5
23(4)	Scavenging without agreement	2.5
24(1)	Depositing excess waste in or near litter bin	2.5
26(1)	Failure to supply name and address	2.5

RECOVERY OF EXPENSES

28. In addition to any penalty imposed in relation to any failure by a person to comply with any of the provisions of this By-law, any expenses incurred by the Council as a consequence of that contravention is recoverable by the Council as a debt payable by that person.

The Waste Collection and Waste Management By-law, By-law No 2 of 2017:

Was certified as being in accordance with the Local Government Act 1993, by Andrew Wardlaw, General Manager.

Was certified as being in accordance with the law by Geoff Tremayne, Legal Practitioner.

The Common Seal of the Burnie City Council has been hereunto affixed pursuant to a resolution of the Council passed on the 16th day of May 2017 in the presence of Andrew Wardlaw, General Manager.

Dated 25 May 2017.

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>Local Government Act 1993</i>	S. R. 2017, No. 26	<i>Local Government (Municipal Area Boundary Adjustment) Order 2017</i>
(2) <i>Marine and Safety Authority Act 1997</i>	S. R. 2017, No. 27	<i>Marine and Safety (Collision) Regulations 2017</i>
(3) <i>Vehicle and Traffic Amendment (Offensive Advertising) Act 2017</i>	S. R. 2017, No. 28	Proclamation under section 2

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) *Local Government (Municipal Area Boundary Adjustment) Order 2017*

This order amends the *Local Government Act 1993* by adjusting the specified boundaries of the municipal areas of George Town and Launceston.

(2) *Marine and Safety (Collision) Regulations 2017*

These regulations –

- (a) adopt the International Regulations for Preventing Collisions at Sea 1972 as regulations under the *Marine and Safety Authority Act 1997*; and
- (b) provide for the revocation of international distress signals; and
- (c) are made consequentially on the repeal of the *Marine and Safety (Collision) Regulations 2007* under section 11 of the *Subordinate Legislation Act 1992*.

(3) Proclamation under section 2 of the *Vehicle and Traffic Amendment (Offensive Advertising) Act 2017*

This proclamation fixes 1 June 2017 as the day on which the *Vehicle and Traffic Amendment (Offensive Advertising) Act 2017* commences.

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, 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.

Staff Movements

Permanent Appointments

Agency	Duties Assigned	Employee	Probation Period	Date of Effect
Health and Human Services	IT Support Officer	M Shoene	Nil	22/05/2017
Education	School Administration Clerk	M McGee	6 Months	01/05/2017
Education	Teacher Assistant	R Dobie	6 Months	01/05/2017
Education	Teacher Assistant	R Leicester	6 Months	22/05/2017
Education	Teacher assistant	A Wiggins	6 Months	22/05/2017
Education	Teacher Assistant	N Heaysman	6 Months	22/05/2017
Police, Fire and Emergency Management	Senior Developer ICT2	T Scott	Nil	17/04/2017
Tasmanian Health Service	Registered Nurse	R Hookway	Nil	22/05/2017
TasTAFE	Administrative Assistant	S Heard	6 Months	01/06/2017
TasTAFE	Administrative Assistant	F Elliott	6 Months	01/06/2017
Primary Industries, Parks, Water and Environment	Visitor Reception Officer	C Roberts	Nil	25/05/2017
Tasmanian Health Service	Administrative Assistant	N Manzoney	6 Months	29/05/2017
Health and Human Services	Family Violence Worker - Children and Young Persons Program (CYPP)	M Laugher	6 Months	15/05/2017
Health and Human Services	Administrative Assistant	N McGarry	6 Months	05/06/2017

Fixed-Term Appointments of greater than 12 Months

Agency	Duties Assigned	Employee	Term	Date of Effect
Justice	Administration Officer	B Coad	24 Months	29/05/2017

Promotion of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Health and Human Services	Clinical Practice Consultant & Educator South	C Lovell	29/05/2017
Health and Human Services	Clinical Practice Consultant & Educator North	E Williams	29/05/2017
Health and Human Services	Clinical Practice Consultant & Educator North	C Reid	05/06/2017
Education	Advanced Skills Teacher	N Dodd	16/05/2017
Education	Advanced Skills Teacher	S Oakden	18/05/2017
Education	Senior Communications Consultant	S Houston	29/05/2017
Education	Senior Communications Consultant	H Mason	29/05/2017
Police, Fire and Emergency Management	Manager Bushfire Planning and Policy	C Collins	01/05/2017
Police, Fire and Emergency Management	Technical Support Officer	I Van Tienen	01/05/2017
Education	Advanced Skills Teacher	M Potter	06/04/2017
Premier and Cabinet	Senior Project Analyst	L Caswell	18/05/2017
TasTAFE	Education Manager	J Lewis	22/05/2017
Premier and Cabinet	Senior Policy Analyst	M Stanton	18/05/2017
Treasury and Finance	Senior Property & Facilities Officer	B Manning	18/05/2017
Treasury and Finance	Property and Facilities Officer	S Cook	18/05/2017
Primary Industries, Parks, Water and Environment	Ranger In Charge	C Downing	05/06/2017
Justice	Disputes and Investigations Officer	P Cummins	05/06/2017
Police, Fire and Emergency Management	Executive Assistant	M Woolhouse	26/04/2017

Agency	Duties Assigned	Employee	Date of Effect
Education	Advanced Skills Teacher	A Harvey	09/05/2017
Police, Fire and Emergency Management	Principal Staff Officer	F Novy	19/05/2017
Treasury and Finance	Specialist Financial Analyst	R Johnston	24/05/2017
Primary Industries, Parks, Water and Environment	Team Leader (Assets and Infrastructure)	D Heazlewood	17/05/2017
Police, Fire and Emergency Management	Forensic Administration Assistant	D Manhood	16/05/2017
Primary Industries, Parks, Water and Environment	Information and Program Manager	A Yan	01/06/2017

Resignation of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Health and Human Services	Child Safety Officer	A Hicks	23/05/2017
Tasmanian Health Service	Registered Nurse	J Gowardman	14/05/2017
Health and Human Services	Registered Nurse - Child and Family Health Nurse	R Gelston	23/05/2017
Tasmanian Health Service	Registered Nurse	R Elkhair	24/05/2017
Tasmanian Health Service	Social Worker	J Friend	26/05/2017
Tasmanian Health Service	Dental Prosthetist	A Hoang	25/04/2017
Tasmanian Health Service	Registered Nurse	O Swan	18/05/2017

Retirement of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Tasmanian Health Service	Food Services Officer	S Thurley	03/06/2017
Education	Advanced Skills Teacher	J Dicker	22/12/2016
Health and Human Services	Coordinator Volunteer Strategy	D Godfrey-Smith	03/05/2017
State Growth	Crown Land Officer	N Sowter	17/05/2017

Transfer of Permanent Employees

Agency	Duties Assigned	Employee	Transferred Agency	Date of Effect
Justice	Manager HR	M Davis	Health and Human Services	31/05/2017



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