



# TASMANIAN GOVERNMENT GAZETTE

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### Tasmanian Government Gazette

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## Notices to Creditors

NANCY LORRAINE CREELEY late of One Care Limited Umina Park, 22 Mooreville Road, Burnie in Tasmania, who died on 21/05/2019.

Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors, LEONIE ANNETTE SMITH and MARGARET JOAN PARRY, 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 13/11/2019 after which date the Executors may distribute the assets having regard only to the claims of which the Executors then have notice.

Dated this second day of October 2019.

FRIEND & EDWARDS LAWYERS, Solicitors to the Estate.

KASPAR SPIEGEL (also known as KASPER SPIEGEL and CHARLES SPIEGEL) late of 59A Red Chapel Avenue, Sandy Bay in Tasmania who died on the 29th June 2019.

Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors, DAMIAN FRANCIS EGAN & BENN REX DANCE, c/- Murdoch Clarke of 10 Victoria Street, Hobart in Tasmania to send particulars to the said Executors and to the Registrar of the Supreme Court of Tasmania on or before the 1st day of November, 2019 after which date the Executors may distribute the assets, having regard only to the claims of which the Executors then have notice.

Dated this 2nd day of October 2019.

MURDOCH CLARKE, Solicitors to the Estate.

CAROLE EDWINA FOSELLO late of 67/15 St Canice Avenue, Sandy Bay in Tasmania, Australia who died on the 7th April 2016.

Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors, BENJAMIN SCOTT SWAIN and DAMIAN FRANCIS EGAN, c/- Murdoch Clarke of 10 Victoria Street, Hobart in Tasmania to send particulars to the said Executors and to the Registrar of the Supreme Court of Tasmania on or before the 13th day of November, 2019 after which date the Executors may distribute the assets, having regard only to the claims of which the Executors then have notice.

Dated this second day of October 2019.

MURDOCH CLARKE, Solicitors to the Estate.

## Living Marine Resources

### *LIVING MARINE RESOURCES MANAGEMENT ACT 1995*

#### NOTIFICATION OF ALTERATION TO THE TASMANIAN ABALONE FISHERY MANAGEMENT PLAN

I, Ian Dutton, Director (Marine Resources) in the Department of Primary Industries, Parks, Water and Environment, pursuant to the delegated authority under Section 20(2) of the *Living Marine Resources Management Act 1995* and in accordance with section 57 of that Act, hereby notify that:

- A. As a result of a review the Minister has accepted a recommendation to alter the management plan for the Abalone Fishery - *Fisheries (Abalone) Rules 2017*;
- B. The *Fisheries (Abalone) Amendment Rules 2019*, amend the *Fisheries (Abalone) Rules 2017* by:
  - (a) amending certain definitions; and
  - (b) including Smithton, Stanley and Woolnorth Anchorage as designated ports; and
  - (c) defining “measuring device”; and
  - (d) providing that persons under the age of 10 years are not eligible to hold a fishing licence (recreational abalone); and
  - (e) prohibiting persons from taking abalone from State waters at night; and
  - (f) reducing the quantity of abalone that may be taken by a person from State waters or possessed on a vessel in certain circumstances; and
  - (g) making other miscellaneous amendments....
- C. The alterations take effect on the date that the notification of making the rules is published in the *Tasmanian Government Gazette*, unless otherwise provided in the *Fisheries (Abalone) Amendment Rules 2019*.

Dated this twenty fourth day of September 2019

Ian Dutton  
DIRECTOR (MARINE RESOURCES)

#### INFORMATION

Copies of the amending rules can be obtained from Acrodata, email [govt.gazette@acrodata.com.au](mailto:govt.gazette@acrodata.com.au), (03) 6210 9631 or 20 Electra Place Mornington or from the internet at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au). For further information contact Wild Fisheries Management Branch 1300 720 647

### *LIVING MARINE RESOURCES MANAGEMENT ACT 1995*

#### NOTIFICATION OF ALTERATION TO THE TASMANIAN ROCK LOBSTER FISHERY MANAGEMENT PLAN

I, Ian Dutton, Director (Marine Resources) in the Department of Primary Industries, Parks, Water and Environment, pursuant to the delegated authority under Section 20(2) of the *Living Marine Resources Management Act 1995* and in accordance with section 57 of that Act, hereby notify that:

- A. As a result of a review the Minister has accepted a recommendation to alter the management plan for the rock lobster fishery - *Fisheries (Rock Lobster) Rules 2011*;
- B. The *Fisheries (Rock Lobster) Amendment Rules 2019*, amend the *Fisheries (Rock Lobster) Rules 2011* by:
  - (a) Increasing the female legal minimum size limit in the north western part of the rock lobster fishery from 105mm to 120mm between Point Sorell on the north coast and the Henty River on the west coast;

- (b) Increase in the maximum number of pots that can be set from a commercial vessel from 50 to 60 on the west coast from Bluff Hill Point to South Cape;
  - (c) Remove the vessel length /pot numbers schedule and associated alternative methods for determining how many pots can be on a vessel;
  - (d) Removing the endorsement to unload rock lobster outside of State waters;
  - (e) Reducing the recreational boat limit in the Northern Bass Strait western region from 25 to 10;
  - (f) Including a provision to allow the publication of a public notice on a website; and
  - (g) Providing greater flexibility for communication methods associated with the notification of pots that cannot be retrieved within the 48 time period.
- C. The alterations take effect on the date that the notification of making the rules is published in the *Tasmanian Government Gazette*.

Dated this twentieth day of September 2019

Ian Dutton  
DIRECTOR (MARINE RESOURCES)

#### INFORMATION

Copies of the amending rules can be obtained from Acrodata at 20 Electra Place, Mornington or from the internet at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au). For further information please contact Wild Fisheries Management Branch 1300 720 647

## Plant Quarantine

### PUBLIC NOTIFICATION OF EXEMPTION

#### *Plant Quarantine Act 1997*

#### Section 99

I, John Whittington, being and as the Secretary of the Department of Primary Industries, Parks, Water and Environment (the Secretary), hereby exempt, pursuant to section 99 of the *Plant Quarantine Act 1997* (the Act), a person within the class of persons described below, from the requirement to pay the full amount of any fee prescribed under the Act, on the condition that the person instead pays a reduced fee determined by the Secretary:

A person who is involved in the export of prescribed matter to another country, state or territory, in accordance with a law of the Commonwealth or another state or territory.

This exemption is made this twenty sixth day of September 2019 and remains in force until revoked by public notice.



Signed

JOHN WHITTINGTON, Secretary  
Department of Primary Industries, Parks, Water and  
Environment

## Mental Health

### 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 25th September 2019.

KATHERINE BOSKER

Dated this twenty fifth day of September, 2019.

PROFESSOR KENNETH CLIFFORD KIRKBY  
Acting 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 2019.

BHASWATI BHATTACHARYYA

Dated this seventeenth day of September, 2019.

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 25 September 2019.

SAMUEL KELLY

Dated this twenty fifth day of September, 2019.

PROFESSOR KENNETH CLIFFORD KIRKBY  
Acting 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 24th September 2019.

ADAM MOLLINGER

Dated this twenty fourth day of September, 2019.

PROFESSOR KENNETH CLIFFORD KIRKBY  
Acting 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 23rd September 2019.

DR JULIA JAMALUDIN

Dated this twenty third day of September, 2019.

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 25th September 2019.

PHILLIP KRUSHKA

Dated this twenty fifth day of September, 2019.

PROFESSOR KENNETH CLIFFORD KIRKBY  
Acting 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 24th September 2019.

CHRISTINA RICHARDSON

Dated this twenty fourth day of September, 2019.

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

## Land Acquisition

### LAND ACQUISITION ACT 1993

#### NOTICE OF ACQUISITION

##### (Section 16)

Pursuant to section 16 of the *Land Acquisition Act 1993* (**LAA**) and section 56G of the *Water and Sewerage Industry Act 2008* the Tasmanian Water & Sewerage Corporation Pty Ltd (ACN 162 220 653) (**TasWater**) (being an acquiring authority in accordance with the LAA), does hereby declare that the Land described in the First Schedule, the Pipeline and Services Easement described in the Second Schedule, the Pump House Easement described in the Third Schedule and the Right of Way Easement described in the Fourth Schedule hereto is taken and vested in TasWater absolutely under the LAA, for the authorised purpose of replacing the watermain servicing Conara township as part of TasWater's Regional Towns Water Supply Program together with any of the other rights, functions or obligations stated in the Pipeline and Services Easement as described in the Second Schedule.

Dated this second day of October 2019.

For and on behalf of Tasmanian Water & Sewerage Corporation Pty Ltd (ACN 162 220 653),

AMY SMITH, Legal Practitioner

##### *First Schedule*

That parcel of land marked on the Plan of Survey shown as Lot 1 measuring 2210m<sup>2</sup> as depicted on the Plan at the Fifth Schedule situated in the Land District of Somerset and the Parish of Salisbury in Tasmania being that land comprised in Folio of the Register Volume 163599 Folio 3 and registered in the name of Hamilton Equities (Aust) Pty Ltd.

##### *Second Schedule*

A Pipeline and Services Easement within that area of land described and shown as PIPELINE & SERVICES EASEMENT "A" 6.00 Wide" and "PIPELINE AND SERVICES EASEMENT "B" 3.00 Wide" (**Easement Land**) on the Plan of Survey at the Fifth Schedule within the land comprised in Folio of the Register Volume 163599 Folio 3 and registered in the name of Hamilton Equities (Aust) Pty Ltd.

The Pipeline and Services Easement is defined as follows:-

THE FULL RIGHT AND LIBERTY for the TasWater at all times to:

1. enter and remain upon the Easement Land with or without employees, contractors, agents and all other persons duly authorised by it and with or without machinery, vehicles, plant and equipment for any purpose or activity that TasWater has statutory authorisation to do or undertake;
2. investigate, take soil, rock and other samples, survey, open and break up and excavate the Easement Land for any purpose or activity that TasWater is authorised to do or undertake;
3. install, retain, operate, modify, relocate, maintain, inspect, cleanse and repair the Infrastructure;
4. remove and replace the Infrastructure;
5. run and pass, water and electricity through and along the Infrastructure;
6. do all works reasonably required in connection with such activities or as may be authorised or required by any law:
  - 6.1. without doing unnecessary damage to the Easement Land; and

- 6.2. leaving the Easement Land in a clean and tidy condition; and
- 6.3. if the Easement Land is not directly accessible from a highway, then for the purpose of undertaking any of the preceding activities TasWater may with or without employees, contractors, agents and all other persons authorised by it, and with or without machinery, vehicles, plant and equipment enter the Lot from the highway at any then existing vehicle entry and cross the Lot to the Easement Land; and
- 6.4. use the Easement Land as a right of carriageway for the purpose of undertaking any of the preceding purposes on other land, TasWater reinstates any damage that it causes in doing so to any boundary fence of the Lot.

##### PROVIDED ALWAYS THAT:

1. The registered proprietors of the Lot in the folio of the Register ("the Owner") must not without the written consent of TasWater first had and obtained (which cannot be unreasonably refused) and only in compliance with any conditions which form the consent:
  - (a) excavate the ground level of the Easement Land;
  - (b) install, erect or plant any building, pit, well, footing, pipeline or tree on or in the Easement Land;
  - (c) remove any thing that supports, protects or covers any Infrastructure on or in the Easement Land;
  - (d) do anything which will or might damage or contribute to damage to any of the Infrastructure on or in the Easement Land;
  - (e) in any way prevent or interfere with the proper exercise and benefit of the Easement Land by TasWater or its employees, contractors, agents and all other persons duly authorised by it; or
  - (f) permit or allow any action which the Owner must not do or acquiesce in that action.
2. TasWater is not required to fence any part of the Easement Land.
3. The Owner may erect a fence across the Easement Land provided that fence does not prevent TasWater from accessing the Easement Land.
4. The Owner may erect a gate across any part of the Easement Land subject to these conditions:
  - (a) the Owner must provide TasWater with a key to any lock which would prevent the opening of the gate; and
  - (b) if the Owner does not provide TasWater with that key or the key provided does not fit the lock, TasWater may cut the lock from the gate.
5. If the Owner causes damage to any of the Infrastructure, the Owner is liable for the actual cost to TasWater of the repair of the Infrastructure damaged provided that:
  - (a) during the design of any Infrastructure TasWater has taken into account the fact that livestock will be run on the Lot and has designed and built the Infrastructure to be able to withstand the pressure of such livestock;
  - (b) the Owner will not be liable for any damage caused to any pipe or electrical cable that is installed at a depth of less than 600mm below the surface of the land.
6. If the Owner fails to comply with any of the preceding conditions, without forfeiting any right of action, damages or otherwise against the Owner, TasWater may:
  - (a) reinstate the ground level of the Easement Land; or



- (b) remove from the Easement Land any building, pit, well, footing, pipeline or tree; or
- (c) replace anything that supported, protected or covered the Infrastructure.

The rights conferred on TasWater by the Pipeline and Services Easement are qualified to the extent that:

1. the person exercising those rights must do as little damage as reasonably practicable;
2. TasWater must reinstate any damage caused to the Easement Land or any other part of the Lot in the course of the exercise of those rights to the extent that it is reasonably practicable to do so including reinstating any damage that it causes to any fence on the Lot;
3. TasWater accepts all risk in connection with the exercise of those rights; and
4. TasWater must indemnify the Owner against all loss it suffers as a result of any claim against the Owner in connection with loss of life, personal injury or damage to property that is caused or contributed to in the course of exercising those rights except to the extent that the loss, damage or injury is caused by the negligence, wilful act, default or commission of the Owner subject to the Owner notifying TasWater immediately upon becoming aware of such claim.

Interpretation:

“Infrastructure” means infrastructure owned or for which TasWater is responsible and includes but is not limited to:

- (a) water pipes and associated valves;
- (b) telemetry and monitoring devices;
- (c) inspection and access pits;
- (d) power poles and lines, electrical wires, electrical cables and other conducting media (excluding telemetry and monitoring devices);
- (e) markers or signs indicating the location of the Easement Land, the Infrastructure or any warnings or restrictions with respect to the Easement Land or the Infrastructure;
- (f) anything reasonably required to support, protect or cover any of the Infrastructure;
- (g) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Easement Land or monitoring or managing that activity; and
- (h) where the context permits, any part of the Infrastructure.

Easement Land means the land depicted on the Plan by the notation “PIPELINE & SERVICES EASEMENT “A” 6.00 Wide” and “PIPELINE AND SERVICES EASEMENT “B” 3.00 Wide”

“Lot” means the land contained in Folio of the Register Volume 163599 Folio 3.

### *Third Schedule*

The Pump House Easement is defined as follows:-

Firstly, the full and free right and liberty for TasWater at all times to:

1. install and construct the Pump Station Infrastructure on the Pump House Easement Land;
2. retain the Pump Station Infrastructure on the Pump House Easement Land;
3. use the Pump Station Infrastructure to pump water from the South Esk River.

In this definition, Pump House Easement Land means that portion of land comprised in Folio of the Register Volume 112607 Folio 2 and as depicted on the Plan by the notation “PUMPHOUSE EASEMENT ‘A’”.

Pump Station Infrastructure means:

1. a pump or pumps;
2. a building for use as a pump house as determined by TasWater save that the building will not be unreasonably higher than or have an unreasonably greater footprint than TasWater’s building on the Pump House Easement Land at the date of this agreement;
  - 2.1. all ancillary facilities necessary or desirable for the installation, construction or operation of the pump and pump house including support structures, fittings, valves, associated pipe-work, instrumentation, electrical equipment and power transmission lines; and
  - 2.2. all future replacements, modifications and enhancements of any of the Pump Station Infrastructure.

Secondly,

The terms of the Pump House Easement incorporate the “Ancillary Rights”, “Exercise of Rights” and “Qualifications” provisions below.

In this definition,

Ancillary Rights means that TasWater may:

1. enter and remain on the Pump House Easement Land for the purposes of exercising any of the other rights conferred by the Pump House Easement; and
2. take onto or remove from the Pump House Easement Land which TasWater considers reasonably necessary or desirable to exercise the other rights conferred by the Pump House Easement including without limitation, any plant, machines, vehicles, equipment or materials.

Exercise of Rights means rights conferred on TasWater by the Pump House Easement may be exercised by:

1. TasWater;
2. the operators, contractors, servants, employees, agents, work personnel, financiers, licensees, and consultants of TasWater; and
3. any person acting on behalf of, or authorised by TasWater.

Qualifications means the rights conferred on TasWater are qualified to the extent that in exercising the rights:

1. the person exercising those rights must do as little damage as reasonably practicable;
2. TasWater must reinstate any damage they cause to the Pump House Easement Land or any other part of the Land directly surrounding the Pump House Easement Land to the extent that it is reasonably practicable to do so;
3. TasWater accepts all risk in connection with the exercise of those rights;
4. TasWater must indemnify the Owner against all loss it suffers as a result of any claim against the Owner in connection with loss of life, personal injury or damage to property that is caused or contributed to in the course of exercising those rights except to the extent that the loss, damage or injury is caused by the negligence, wilful act, default or commission of the Owner; and

### *Fourth Schedule*

The **Right of Way** is defined as follows: -

The full and free right for TasWater to go pass, and repass over the Easement Land at all times and for all purposes, with every person authorised by it and with machinery, vehicles, plant and equipment.

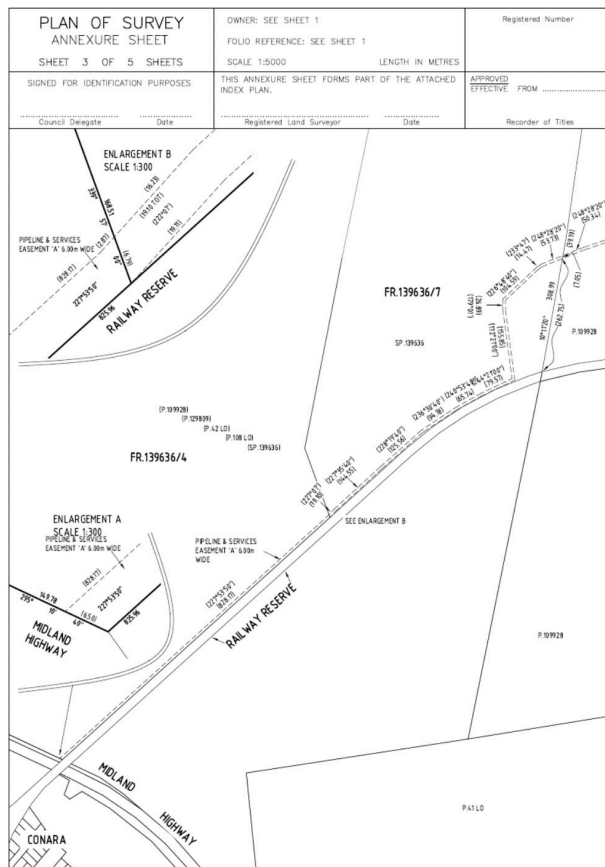
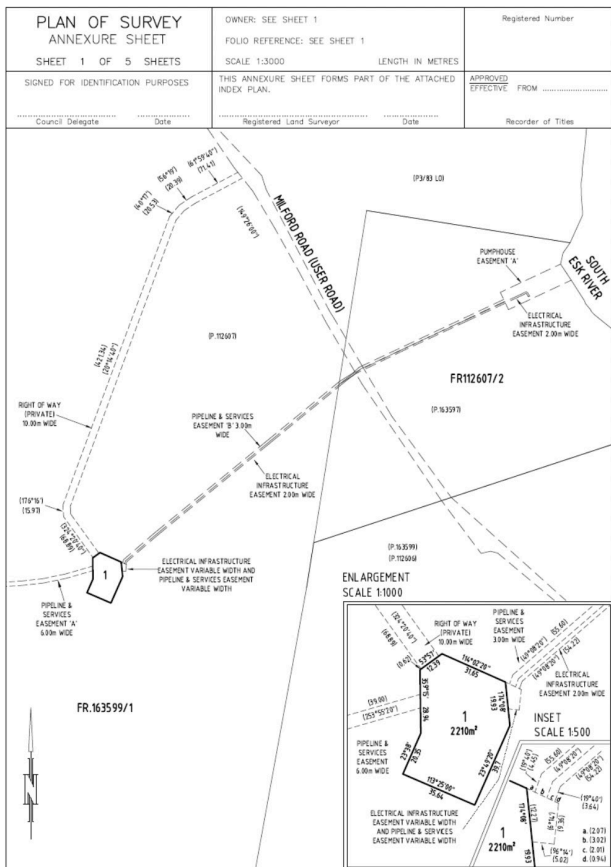
Easement Land means that portion of land contained in Folio of the Register Volume 163599 Folio 1 and as depicted on the Plan by the notation “RIGHT OF WAY (PRIVATE) 10.00 M WIDE”.

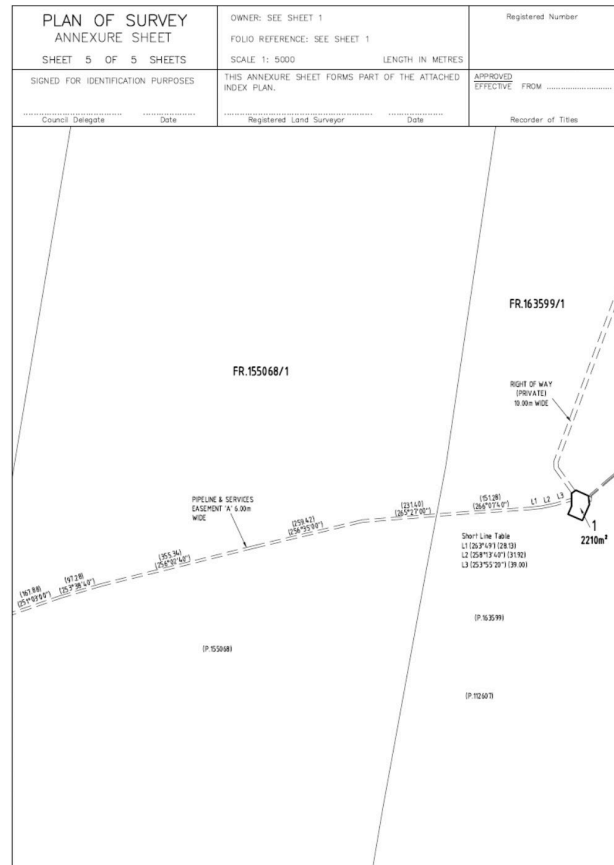
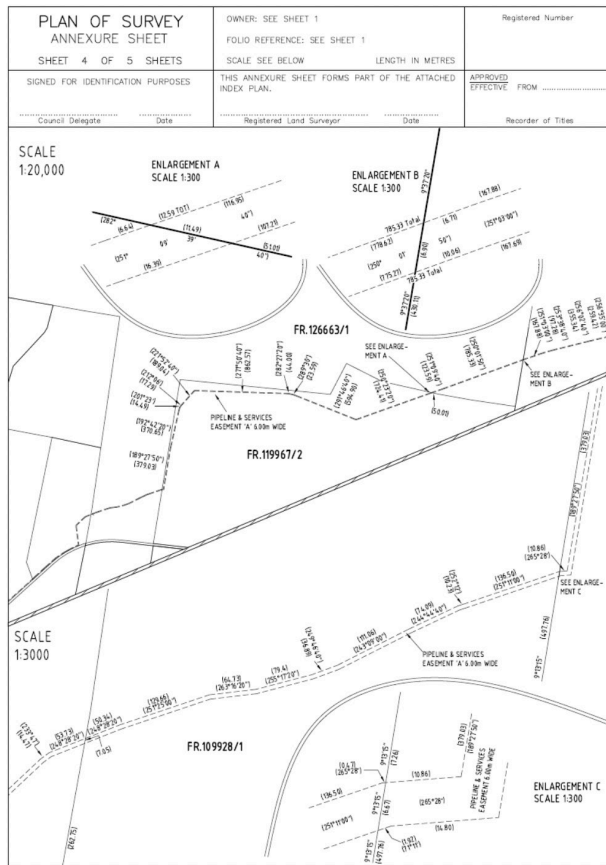
<p><b>PLAN OF SURVEY</b> <b>ANNEXURE SHEET</b></p> <p><b>SHEET 2 OF 5 SHEETS</b></p> <p>SIGNED FOR IDENTIFICATION PURPOSES</p> <p>..... Council Delegate      ..... Date</p>	<p>OWNER: SEE SHEET 1</p> <p>FOLIO REFERENCE: SEE SHEET 1</p> <p>SCALE 1: 1000      LENGTH IN METRES</p> <p>THIS ANNEXURE SHEET FORMS PART OF THE ATTACHED INDEX PLAN.</p> <p>..... Registered Land Surveyor      ..... Date</p>	<p>Registered Number</p> <p>APPROVED: ..... FROM .....</p> <p>EFFECTIVE</p> <p>Recorder of Titles</p>
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The plan shows the intersection of Mlford Road and User Road. The enlargement area is detailed with the following features:

- PIPELINE & SERVICES EASEMENT 3.00m WIDE**: Indicated by a dashed line along the road alignment.
- ELECTRICITY INFRASTRUCTURE EASEMENT 2.80m WIDE**: Indicated by a dashed line along the road alignment.
- PUMP HOUSE EASEMENT A**: A rectangular area at the intersection.
- ROADS**: Mlford Road (10m wide) and User Road (10m wide).
- BEARINGS AND DISTANCES**: Various measurements are provided for the easements and road widths, such as (N 10° 15' 00" E) 10.00m and (S 89° 45' 00" E) 10.00m.
- ENLARGEMENT SCALE 1500**: A detailed view of the intersection area.





## 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>Forest Practices Amendment Act 2019</i>	S. R. 2019, No. 60	Proclamation under section 2
(2) <i>Traffic Act 1925</i>	S. R. 2019, No. 61	<i>Road Rules 2019</i>
(3) <i>Living Marine Resources Management Act 1995</i>	S. R. 2019, No. 62	<i>Fisheries (Rock Lobster) Amendment Rules 2019</i>
(4) <i>Living Marine Resources Management Act 1995</i>	S. R. 2019, No. 63	<i>Fisheries (Abalone) Amendment Rules 2019</i>
(5) <i>Inland Fisheries Act 1995</i>	S. R. 2019, No. 64	<i>Inland Fisheries (Protected Fish) Order 2019</i>

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

- (1) Proclamation under section 2 of the *Forest Practices Amendment Act 2019*

This proclamation fixes 7 October 2019 as the day on which the provisions of the *Forest Practices Amendment Act 2019* commence.

(2) *Road Rules 2019*

These rules –

- (a) prescribe road traffic laws for Tasmania which, in most respects, are the same as those applying in other parts of Australia; and
- (b) are made consequent on the repeal of the *Road Rules 2009* in accordance with section 11 of the *Subordinate Legislation Act 1992*.

(3) *Fisheries (Rock Lobster) Amendment Rules 2019*

These rules amend the *Fisheries (Rock Lobster) Rules 2011* by –

- (a) increasing the minimum size limit for certain female rock lobster; and
- (b) amending the requirements relating to the use of pots; and
- (c) removing the requirement for endorsements for the possession of rock lobster outside State waters; and
- (d) making other minor miscellaneous amendments.

(4) *Fisheries (Abalone) Amendment Rules 2019*

These rules amend the *Fisheries (Abalone) Rules 2017* by –

- (a) amending certain definitions; and
- (b) including Smithton, Stanley and Woolnorth Anchorage as designated ports; and
- (c) defining “measuring device”; and
- (d) providing that persons under the age of 10 years are not eligible to hold a fishing licence (recreational abalone);
- (e) prohibiting persons from taking abalone from State waters at night; and
- (f) reducing the quantity of abalone that may be taken by a person from State waters or possessed on a vessel in certain circumstances; and
- (g) making other miscellaneous amendments.

(5) *Inland Fisheries (Protected Fish) Order 2019*

This order declares estuary perch to be protected fish for the purposes of the *Inland Fisheries Act 1995*.

Copies of the abovementioned statutory rules may be purchased at The Print Division Tasmania,  
118 Bathurst Street, Hobart, Phone: 03 6210 9633, Email: [parliament@acodata.com.au](mailto:parliament@acodata.com.au)

ROBYN WEBB, Chief Parliamentary Counsel

## Forest Practices

Forest Practices Authority  
23rd September, 2019

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 PART OF PRIVATE TIMBER RESERVE



Application No.	OWNER	LAND TITLE REFERENCE	LOCATION	MUNICIPAL AREA
1453AR	Knight, LD & NE	C/T Vol 100309 Fol 3	Springfield	Dorset Council
1473R	Knight, LD & NE	C/T Vol 100309 Fol 4	Springfield	Dorset Council
0503R	Lenz, Louis Paul	C/T Vol 239472 Fol 1	Frankford	West Tamar Council
1166R	Mullen, Rosemary Joan	C/T Vol 115516 Fol 1 C/T Vol 115516 Fol 2	Winkleigh	West Tamar Council
0618CBR	New, RJ & Baxter, SM	C/T Vol 174928 Fol 1	Liffey	Meander Valley Council

Given under my hand at Hobart in Tasmania on 23rd September, 2019.

By Her Excellency's Command,

C. WARNER, Governor  
GUY BARNETT, Minister for Resources

Forest Practices Authority  
23rd September, 2019

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

Application No.	OWNER	LAND TITLE REFERENCE	LOCATION	MUNICIPAL AREA
2085R	Bailey, AW	C/T Vol 35601 Fol 1	Victoria Valley	Central Highlands Council
1593R	Bison Management Pty Ltd	C/T Vol 137740 Fol 2	Jetsonville	Dorset Council
0553R	Brynclyd Australia Pty Ltd	C/T Vol 246984 Fol 1	North Scottsdale	Dorset Council
0648R	Di Giammarino, KM	C/T Vol 207179 Fol 1	Tunnel	Launceston City Council
1215R	Goggin, LG, Jennings, SR & GL & Smith, VR	C/T Vol 223569 Fol 1	Runnymede	Southern Midlands Council
1643AR	Lazenby, BT & Young, AD	C/T Vol 123361 Fol 2 C/T Vol 202616 Fol 1 C/T Vol 210674 Fol 1 C/T Vol 213448 Fol 1	Stormlea	Tasman Council
0680R	Padman, RD & WL	C/T Vol 45982 Fol 1	Elizabeth Town	Meander Valley Council

Given under my hand at Hobart in Tasmania on 23rd September, 2019.

By Her Excellency's Command,

C. WARNER, Governor  
GUY BARNETT, Minister for Resources

## Cities Councils

### LATROBE COUNCIL

#### CAMPING BY-LAW NO 1 of 2019

This By-law of the Latrobe Council made under s145 of the *Local Government Act 1993* for the purpose of regulating camping in areas owned or under the Council's control.

#### 1. Short Title

This By-law may be cited as the Latrobe Camping By-law No. 1 of 2019.

#### 2. Definitions

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

**authorised officer** means the General Manager and any other person appointed by the General Manager; or police officer of the Tasmanian police force for the purposes of this By-law.

**camp** includes:

- (a) to erect portable shelter suitable for sleeping in overnight, whether or not that portable shelter is on or attached to a vehicle; or
- (b) being in any such portable shelter at any time during a night; or
- (c) to sleep at any time during a night in the open or in any vehicle or shelter except a building designed for human habitation; or
- (d) at any time during a night, to place, park or leave a vehicle that appears designed or equipped internally or externally to accommodate overnight sleeping, including a mobile home, campervan, caravan, slide-on-van, fifth wheeler, camper trailer or any other similar vehicle.

**Council** means the Latrobe Council.

**night** means from 8.00pm to 7.00am on the next day.

**overnight permit** means a permit issued under clause 4.

**overnight stop area** means an area identified in Schedule 1.

**regulated place** means land owned by or under the control of the Council, including a highway under the Council's control and an overnight stop area.

**vehicle** means a vehicle as defined in the *Vehicle & Traffic Act 1999*.

### 3. No Camping

(1) A person must not camp in any regulated place except:

- (a) in an area that has a permit for use as visitor accommodation under the Latrobe Interim Planning Scheme 2013;
- (b) in the Port Sorell Caravan Park being the land in Certificate of Title Volume 34894 Folio 1;
- (c) as permitted by an overnight permit and that permit is displayed as required by clause 5(6);
- (d) in accordance with the terms of the written authority of the General Manager.

**Penalty:** A fine not exceeding 5 penalty units and a further fine of 2 penalty units for each day during which the offence continues.

### 4. Overnight Permits

(1) Each of the following persons may issue an overnight permit in accordance with this clause:

- (a) the manager of any Tourist Information Centre, Visitor Centre or similar facility ("facility") operated by or on behalf of the Council; or
- (b) the employees of or volunteers working in that facility authorised by the facility manager to do so; or
- (c) an authorised officer; or
- (d) any other person authorised to do so in writing by the General Manager and in accordance with any terms or conditions of that authorisation.

(2) An overnight permit may only be issued:

- (a) with respect to an overnight stop area; and
- (b) for a vehicle in respect of which the person issuing the permit is satisfied:
  - (i) is fully self-contained within the vehicle with respect to shower, toilet, washing, cooking and sleeping facilities for the number of persons occupying it and holding tanks for all toilet waste and sullage water sufficient for at least 48 hours use by those persons; and
  - (ii) is lockable with respect to all entrances; and

- (c) for a maximum of 2 nights in any 14 day consecutive period including any nights in respect of which an overnight permit has been issued for that vehicle and that overnight stop area.
- (3) The Council may charge a fee for an overnight permit not exceeding 10 fee units calculated in accordance with the *Fee Units Act 1997* for each night to which the overnight permit applies.
- (4) The applicant for an overnight permit must provide the following information:
  - (a) the full name, residential address and postal address of:
    - (i) the person in charge of the vehicle; and
    - (ii) the registered owner of the vehicle; and
  - (b) the mobile phone number (if any) at which that person or any other person responsible for the vehicle may be contacted; and
  - (c) the information required by subclauses (2)(b) and (5)(a) – (d).
- (5) An overnight permit must include:
  - (a) the registered number and description of the vehicle in respect of which it is issued; and
  - (b) the date or dates in respect of which overnight stopping is permitted, being the date on which the relevant night commences; and
  - (c) the overnight stop area in which the vehicle is permitted to stop overnight on each night that is permitted; and
  - (d) the maximum number of persons permitted to occupy the vehicle; and
  - (e) any other conditions imposed on its issue; and
  - (f) the date on which it is issued; and
  - (g) the name, position and signature of the person issuing it.
- (6) An overnight permit must be displayed:
  - (a) in a position clearly readable by a person standing outside:
    - (i) the front passenger door of the vehicle; or
    - (ii) the main entrance door to the portion of the vehicle that is designed for occupancy; and
  - (b) during the period authorised by the overnight permit.

**Penalty:** 1 penalty unit.



It is a defence to a prosecution under clause 4(6) if:

- (i) the vehicle arrived that night or earlier that day in an overnight stop area after the close of business of the nearest facility referred to in sub-clause (1)(a); and
  - (ii) an overnight permit is issued with respect to that vehicle within 2 hours of the opening of that facility the next day; and
  - (iii) that overnight permit is for, or includes, the night immediately previous to its issue; and
  - (iv) the vehicle and its occupants otherwise complied with that overnight permit.
- (7) A person who is authorised to issue an overnight permit may refuse to issue one without being required to give any reason.
- (8) An authorised officer or a person referred to in clause 5(1)(a) may cancel any overnight permit if that officer or person reasonably believes that the vehicle in respect of which the overnight permit was issued is in breach of any provision of this By-law or any owner, renter or occupant of the vehicle has or is offending against this By-law.
- (9) A notice of cancellation of an overnight permit is effectively given if given in the way provided by clause 8(5)(c).

## 5. Miscellaneous Offences

- (1) A person must supply their correct full name and permanent or temporary address if requested to do so by an authorised officer or police officer if that officer reasonably believes that the person is offending or has offended against this By-law.

**Penalty:** a fine of 5 penalty units

- (2) A person must not supply false or incomplete information with respect to an application for an overnight permit.

**Penalty:** a fine of 5 penalty units

- (3) A person must not in a regulated place, discharge or allow to be discharged from any vehicle or container any sullage, effluent or water except into any facility provided by Council and indicated by signs in its vicinity to be used for that purpose and in accordance with the directions given on that sign. For this purpose "discharge" includes empty or partially empty the relevant container by hand or otherwise.

**Penalty:** a fine of 5 penalty units

- (4) A person must not in an overnight stop area:
- (a) insert any tent pegs or similar devices into the pavement or ground; or
  - (b) tie anything to any plant, pole, post, structure or building; or
  - (c) hang any clothing, bedding or similar items outside the vehicle; or
  - (d) damage any part of the overnight stop area including any landscaping, plants, poles, posts, structure or building; or
  - (e) wash the exterior of any vehicle; or
  - (f) light any fire.

**Penalty:** 5 penalty units

## 6. Enforcement

- (1) A police officer may do any or all of the following:
- (a) remove any person from any regulated place whom they reasonably believe is offending against this By-law; or
  - (b) remove any vehicle or other thing from any regulated place that they reasonably believe is being used in contravention of this By-law and place it in a safe place until any penalty or fine payable under this By-law together with the cost to the Council of that removal and storage has been paid to the Council.
- (2) A police officer may arrest any person who is in any regulated place whom the police officer reasonably believes is offending against this By-law if the person:
- (a) refuses to leave as required by an authorised officer or police officer under subclause (1)(a); or
  - (b) does not supply the information requested by an authorised officer or a police officer under clause 6(1); or
  - (c) has offended against clause 6(2).

### (3) Hindering or resisting authorised officers

A person must not obstruct, hinder, abuse, or resist any authorised officer in the discharge of the authorised officer's duty.

**Penalty:** 3 Penalty Units

(4) **Directions by authorised officers**

- (a) An authorised officer may give reasonable directions to any person in relation to matters which are the subject of this by-law.
- (b) A person must not fail to comply with a reasonable direction from an authorised officer given under this by-law.

**Penalty:** 3 Penalty Units

**7. Infringement Notices**

- (1) In this Part:

**Specified offence** means an offence against the clause specified in Column 1 of the Schedule to this by-law.

- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the penalty payable under the infringement notice for that offence is the penalty specified in Column 3 of the Schedule to this by-law.
- (3) An authorised officer may:
  - (a) issue an infringement notice to a person who the authorised officer has reason to believe is guilty of a specified offence; and
  - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.
- (5) 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.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
  - (a) pay the monetary penalty in full to the General Manager;
  - (b) apply to the General Manager for withdrawal of the infringement notice;
  - (c) apply to the General Manager for a variation of payment conditions; or
  - (d) lodge with the General Manager a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one

or more of the actions required by sub-clause 6. within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.

#### **8. Rectification Notice**

- (1) An authorised officer may give notice to a person who has done anything in contravention of this By-law which is capable of being rectified by any work or thing, requiring that person to do the work or thing that the authorised officer considers is reasonably required to rectify the consequences of that contravention.
- (2) A notice under sub clause (1):
  - (a) is to be in writing, signed by the authorised officer; and
  - (b) is to be given to the person who contravened this By-law; and
  - (c) is to identify the contravention of this By-law; and
  - (d) is to state the work or thing to be done that is required to rectify the contravention; and
  - (e) is to state the time by which the work or thing is to be completed; and
  - (f) may state the time by which the work or thing is to be commenced or any timetable for the commencement or completion of any part of the work or thing to be done; and
  - (g) may require that the work or thing be done only by a person who has appropriate qualifications reasonably required to do that work or thing and may state the qualifications that are so required.
- (3) A person must not fail to comply with a notice given under subclause (1).

**Penalty:** 3 Penalty Units

- (4) The Council may do any work or thing required by a notice under subclause (1) that is not done in accordance with that notice.

#### **9. Recovery of Council's Expenses**

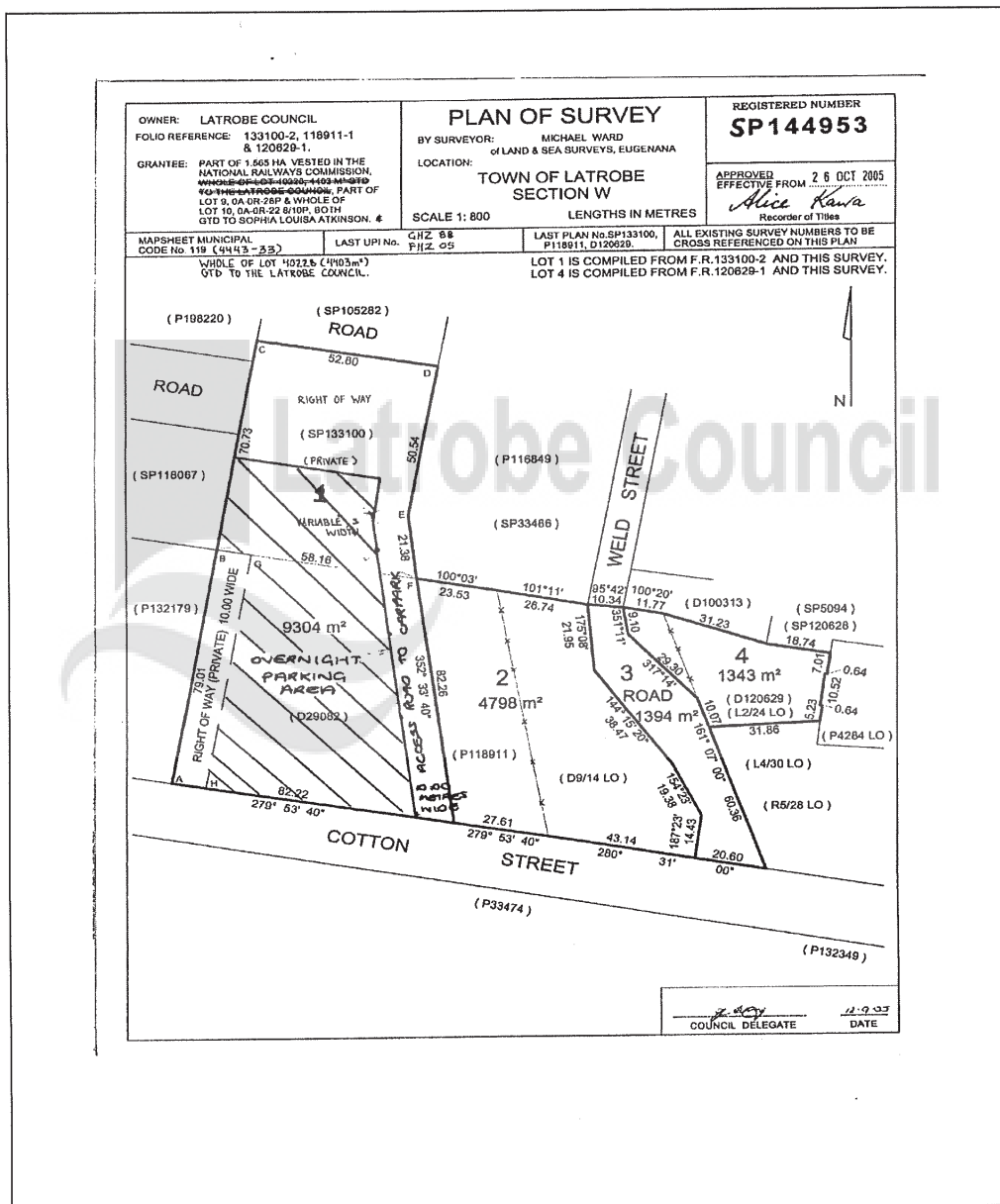
- (1) Any expense reasonably incurred by the Council in rectifying or remedying the consequences of any contravention of this By-law is recoverable by the Council as a debt payable by the person whose act or default constituted that contravention.
- (2) The expenses referred to in sub-clause (1) include the Council's expenses incurred under clauses 7(1)(b) and 9.



## Schedule 1

**Authorised Overnight Stop Area**

The area at Cotton Street, Latrobe marked by hatching on the area on Lot 1 below.



**Schedule 2**  
**Infringement Notice Offences**

<b>Clause</b>	<b>Description</b>	<b>Penalty</b> (Penalty Units)
3	No camping	2
4(6)	Failure to display permit	5
5(1)	Failure to supply name	1
5(2)	Failure to supply correct or complete information	1
5(3)	Discharge of sullage	2
5(4)	Prescribed activities in overnight stop area	1
6(3)	Hindering or resisting authorised officers	2
6(5)	Directions by authorised officers	2

I, Gerald Monson certify that the Latrobe Council has made this By-law in accordance with the *Local Government Act 1993*.

  
.....  
GENERAL MANAGER

This By-law is certified as being in accordance with the Law.

  
.....  
G W TREMAYNE  
LEGAL PRACTITIONER

The Common Seal of the Latrobe Council has been hereunto affixed pursuant to a resolution of the Council passed on the 24<sup>th</sup> day of September 2019 in the presence of

  
.....  
GENERAL MANAGER

## Staff Movements

### Permanent Appointments

Agency	Duties Assigned	Employee	Probation Period	Date of Effect
Department of Health	Registered Nurse	A Singh	6 Months	25/09/2019
Department of Health	Registered Nurse	S Kelly	6 Months	25/09/2019
Department of Health	Registered Nurse	K Johnson	6 Months	25/09/2019
Department of Health	Infant Hearing Screener	J Thompson	6 Months	30/09/2019
Department of Health	Senior Physiotherapist	S Shelley	6 Months	07/10/2019
Department of Health	Food Services Officer	J Burke	6 Months	30/09/2019
Department of Health	Hospital Aid	L Pinner-Stebbins	6 Months	21/10/2019
Department of Health	Enrolled Nurse	S Aylett	6 Months	20/10/2019
Education	Teacher Assistant	D Fox	6 Months	18/09/2019
Department of Health	Specialist Pharmacist	J Monighan	6 Months	24/09/2019
Primary Industries, Parks, Water and Environment	Visitor Services Officer	A Morgan	6 Months	21/09/2019
Justice	Principal Officer (Right to Information)	T Baxter	6 Months	16/09/2019
Treasury and Finance	Information and Communication Technology Officer	A Freeman	Nil	16/09/2019
Education	HR Recruitment Officer	R Logan	6 Months	23/09/2019
Education	Senior Consultant, HR Projects	J Papadopoulos	6 Months	23/09/2019
Education	Teacher	A Yorke	6 Months	27/09/2019
Education	Teacher	A Sansom	6 Months	27/09/2019
Education	Teacher	L Priest	6 Months	27/09/2019
Education	Teacher	Z Luttrell	6 Months	27/09/2019
Education	Teacher	A Hutchins	6 Months	27/09/2019
Education	Teacher	J Cooper	6 Months	27/09/2019
Education	Teacher	C Wheatley	6 Months	27/09/2019
Education	Teacher	N Cunningham	6 Months	27/09/2019
Education	Teacher	A Burgess	6 Months	27/09/2019
Education	Teacher	A Petty	6 Months	27/09/2019
Education	Teacher	A Austin	6 Months	27/09/2019
Education	Teacher	P Lenck	6 Months	27/09/2019
Education	Teacher	R Cowlard	6 Months	27/09/2019
Education	Teacher	K Ash	6 Months	27/09/2019
State Growth	Training Operations Officer	T Rayment	6 Months	25/09/2019
Department of Health	Consultant - Work Health and Safety	D Prout	6 Months	15/10/2019
Primary Industries, Parks, Water and Environment	Solicitor	C Higgins	6 Months	21/10/2019

### Appointment of Officers

Agency	Duties Assigned	Employee	Term	Date of Effect
TasTAFE	General Manager, Drysdale Centre of Excellence	L Punshon	5 Years	23/07/2019
Premier and Cabinet	Director	J Hanna	3 Years	30/09/2019



**Fixed-Term Appointments of greater than 12 Months**

Agency	Duties Assigned	Employee	Term	Date of Effect
Premier and Cabinet	Senior Service Delivery Support Officer	A Kubach	15 Months	25/09/2019
Communities Tasmania	Cycling Coach	B Goss	15 Months	18/09/2019
Justice	Senior Legislation and Policy Officer	M Huber	36 Months	24/09/2019
Primary Industries, Parks, Water and Environment	Ranger	N Clark	18 Months	15/10/2019
Primary Industries, Parks, Water and Environment	Host Ranger	K Cullen	24 Months	09/10/2019
Primary Industries, Parks, Water and Environment	Visitor Services Officer	J Kaluza	24 Months	07/10/2019

**Promotion of Permanent Employees**

Agency	Duties Assigned	Employee	Date of Effect
Department of Health	Deputy Manager/Clinical Lead - Social Work Services	J Wood	28/09/2019
Education	Assistant Principal	T Tarbath	26/09/2019
Department of Health	Registered Nurse	A John	25/09/2019
Department of Health	CNC - Patient Blood Management	N Elliott	29/09/2019
Department of Health	Clinical Nurse Consultant - Maternity	A Navidad	29/09/2019
Education	Advanced Skills Teacher	N Harper	25/09/2019
Education	Business Manager	M Rhodes	23/09/2019
Education	Assistant Principal	D Tanner	19/09/2019
Primary Industries, Parks, Water and Environment	Visitor Services Officer	D Donald	23/09/2019
Department of Health	Nurse Practitioner - Wound Management	B Free	30/09/2019
Treasury and Finance	Specialist Economic Analyst	K Long	24/09/2019
State Growth	Manager Biodiversity Program	A Chuter	14/10/2019
State Growth	Chief Government Geologist	A McNeill	23/09/2019
Department of Health	Flight Paramedic - Rotary Wing	A Johnson	23/09/2019
Education	Advanced Skills Teacher	A Harrison	23/09/2019
Education	HR Recruitment Officer	E Doyle	23/09/2019
Department of Health	Clinical Nurse Educator/Clinical Midwife Educator	J Pyefinch	18/09/2019
Department of Health	Senior Occupational Therapist	A Parsons	30/09/2019
Department of Health	Clinical Nurse Educator - Transition to Practice	H Bailey	18/09/2019
Department of Health	Assistant Director of Nursing - Service Development Program	M Parker	30/09/2019
Department of Health	Assistant Director of Nursing - Service Development Program	T Murray	30/09/2019

**Resignation of Permanent Employees**

Agency	Duties Assigned	Employee	Date of Effect
Communities Tasmania	Policy Analyst	K Buzzacott	02/10/2019
Port Arthur Historic Site Management Authority	Bookings and Ticketing Officer	J Briffa	30/09/2019
Department of Health	Staff Specialist	D Brown	01/09/2019
Justice	Support and Training Officer	L Watson	27/09/2019
Department of Health	Oral Health Therapist	B Al-Attiyah	23/09/2019

### Retirement of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Primary Industries, Parks, Water and Environment	Property Officer	J Cook	30/09/2019
TasTAFE	Librarian	L Stitz	26/08/2019
Department of Health	Food Services Assistant	C Furfaro	27/09/2019

### Transfer of Permanent Employees

Agency	Duties Assigned	Employee	Transferred Agency	Date of Effect
Police, Fire and Emergency Management	Ranger (Wildlife Operations)	D Midson	Primary Industries, Parks, Water and Environment	04/11/2019
Primary Industries, Parks, Water and Environment	Fire Fighter	J Leaman	Police, Fire and Emergency Management	03/10/2019



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