



TASMANIAN GOVERNMENT GAZETTE

PUBLISHED BY
AUTHORITY
ISSN 0039-9795

WEDNESDAY 20 AUGUST 2008

No. 20 877

CONTENTS

<i>Notice</i>	<i>Page</i>
Administration and Probate	1516
Cities Councils	1521
Crown Land	1519
Forest Practices	1519
Land Acquisition	1517
Living Marine Resources.....	1518
Notices to Creditors	1515
Rules Publication.....	1533
State Services.....	1535

Notices to Creditors

ESME JANET BURGESS late of 403 Huon Road South Hobart in Tasmania widow/retired legal secretary: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Esme Janet Burgess who died on the second day of April 2008 are required by the Executors Brian Trevor Arthur Broadby and Ruth Helena Huxley C/- Simmons Wolfhagen of 168 Collins Street Hobart in Tasmania to send particulars to Simmons Wolfhagen by the twenty-second day of September 2008 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this twentieth day of August 2008.

SIMMONS WOLFHAGEN, Solicitors for the Executors.

SHIRLEY EVELYN KEENAN late of Coroneagh Park home Penguin in Tasmania widowed deceased: Creditors next of kin and others having claims in respect of the Estate of the said deceased who died on the twenty-fifth day of May 2008 at Coroneagh Park Home Penguin in Tasmania are required by the Trustees Maureen Margaret McLaine and Kathleen Helen French to send particulars to the Registrar Supreme Court of Tasmania Hobart in Tasmania by the twenty-second day of September 2008 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this twentieth day of August 2008.

TEMPLE-SMITH PARTNERS,
Solicitors for the Applicant.

BARBARA MORELAND late of 2/112 Tasman Street Devonport in Tasmania widowed deceased: Creditors next of kin and others having claims in respect of the Estate of the said deceased who died on the twelfth day of April 2008 at Eliza Purton Nursing Home Devonport in Tasmania are required by the Trustees David Vernon Brinckman and Sandra Kay Brinckman to send particulars to the Registrar Supreme Court of Tasmania Hobart in Tasmania by the twenty-second day of September 2008 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this twentieth day of August 2008.

TEMPLE-SMITH PARTNERS,
Solicitors for the Applicant.

Gazette

Copy to be emailed to Print Applied Technology Pty Ltd.

Please note new email address:

govt.gazette@thepat.com.au

Proofs will be sent via email to all advertisers prior to publication. Advertising will proceed once approval is received.

Please Note:—All copy must be typed in upper and lower case not CAPS, if unsure please telephone (03) 6233 6110.

Order Information

When using this facility please ensure that your order and a copy of the material are faxed to

Print Applied Technology Pty Ltd (03) 6216 4294.

Deadlines

Copy must be received by Print Applied Technology Pty Ltd by **last mail or 4 p.m. Friday prior to publication. These deadlines will be strictly adhered to unless prior arrangements have been made.**

Out of Hours Special Gazette Notification

For out-of-hours notification for Special Gazettes
phone (03) 6233 2690.

For subscription and account enquiries phone (03) 6233 3148

IN the Estate of GRAEME DENIS PIDGEON late of Arturo M Balagot St Pagdalagan Sur Bauang La Union in the Philippines 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 twenty-fourth day of September 2007 are required by the Administrator Desmon Brian Allwright to send particulars of their claim to the Registrar of the Supreme Court of Tasmania GPO Box 167 Hobart 7001 by the twentieth day of September 2008 after which date the Executors may distribute the assets having regard only to the claims of which they have notice.

Dated this twentieth day of August 2008.

E. R. HENRY WHERRETT & BENJAMIN,
Solicitors for the Estate.

RONALD CHARLES POWELL late of Mount Esk Home St Leonards in Tasmania bachelor deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Ronald Charles Powell who who died on the eighteenth day of June 2008 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the twentieth day of September 2008 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twentieth day of August 2008.

SUSAN McLAREN, Trust Administrator.

WALTER JOHN STEVENSON late of Bellview Manor 4 Haven Court Rosny in Tasmania retired builder deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Walter John Stevenson who who died on the seventh day of May 2008 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the twentieth day of September 2008 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twentieth day of August 2008.

MANDY SCAVONE, Trust Administrator.

PATRICIA MARIE WHITE late of Mary's Grange Nursing Home Grange Avenue Tarooma in Tasmania home duties single deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Patricia Marie White who who died on the twelfth day of May 2008 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the twentieth day of September 2008 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twentieth day of August 2008.

LUCINDA VELDMAN, Senior Trust Administrator.

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:—

ARTHUR DAVID HANSCH late of St Ann's Nursing Home 142 Davey Street South Hobart in Tasmania retired groundsman/widower deceased.

MARY MARGARET CALVERT late of Umina Park Nursing Home Mooreville Road Burnie in Tasmania home duties/widow deceased.

MAY STANFIELD PIESSE late of St Ann's Nursing Home 142 Davey Street South Hobart in Tasmania retired receptionist/single woman deceased.

PHYLLIS SMITH late of Freemasons Homes 7 Ballawinnie Road Lindisfarne in Tasmania retired photographic assistant/married woman deceased.

Dated this twentieth day of August 2008.

PETER MALONEY, Chief Executive Officer,
The Public Trustee.

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 BARRY PHILLIP KENDALL WEBB (also known as Barry Phillip Webb) late of 10 Marlock Street Risdon Vale in the State of Tasmania retired sail maker/divorced man deceased intestate may be granted to Suzanne Carolyn Harris of 134 Winstead Road Bagdad in Tasmania home duties/separated woman the daughter of the said deceased.

Dated the twentieth day of August 2008.

BLISSENDEN LAWYERS,
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 KEVIN MICHAEL JENKINS late of 69 Sugarloaf Road Risdon Vale in Tasmania deceased intestate may be granted to Terence Henry Jenkins of 84 Cremorne Avenue Cremorne in Tasmania and Richard Kevin Jenkins of 19 Laurel Street Risdon Vale in Tasmania the lawful sons of the deceased.

Dated the twentieth day of August 2008.

OGILVIE JENNINGS,
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 fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration (with the Will Annexed) of the Estate of ANN SOMERVILLE BOND GUNNANG formerly of 238 Bathurst Street Hobart in Tasmania but late of Mary Ogilvy Homes New Town in Tasmania home duties widowed deceased intestate may be granted to Elizabeth Laura Norris of 80 Jubilee Road South Hobart in Tasmania retired public servant widowed and Waverley Ratcliff of 22 Landsdowne Crescent West Hobart in Tasmania retired public servant married and James Ferguson Horton of 45 Hoods Road Spring Beach in Tasmania retired butcher married the daughters and son respectively of the said deceased and the residuary legatees named in the Will.

Dated the twentieth day of August 2008.

MURDOCH CLARKE,
Solicitors for the Applicants.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

PURSUANT to Section 18 of the *Land Acquisition Act 1993* (referred to as “the Act”), Transend Networks Pty Ltd (being an acquiring authority in accordance with the Act), does hereby declare that the “Electricity Easement and Restriction as to User of Land” described in the Second Schedule hereto over the land described in the First Schedule hereto is taken and vested in Transend Networks Pty Ltd absolutely under the Act, for the authorised purpose of constructing, maintaining and operating electricity infrastructure necessary for the transmission of electricity.

Dated this eighth day of August 2008.

For and on behalf of Transend Networks Pty Ltd,

D. P. OXLEY, Company Secretary for
Transend Networks Pty Ltd ABN 57 082 586 892
7 Maria Street Lenah Valley, Tasmania, 7008.

First schedule

ALL THAT parcel of land situate in the Parish of Huntingdon, Land District of Monmouth in Tasmania containing 92.04 hectares (area) or thereabouts delineated as Lot 2 on Sealed Plan 133062 being the land comprised in the Register Volume 133062 Folio 2 registered in the name of David John Hunt

Second schedule

Electricity easement and restriction as to user of land means:

FIRSTLY the full and free right and liberty for Transend Networks Pty Ltd (described as “Transend”) and its successors and its and their servants, agents and contractors at all times hereafter:

- (a) TO clear the lands marked “Electricity Easement” on Plan of Survey 152542 in the office of the Recorder of Titles (described as “the servient land”) and to lay, erect, construct, install and operate, in, upon, over, along and under the servient land towers, poles, wires, cables, apparatus, appliances and other ancillary work (described collectively as “electricity infrastructure”) for the transmission of electrical energy and for purposes incidental thereto.
- (b) TO inspect, maintain, repair, modify, add to, replace and remove the electricity infrastructure.
- (c) TO cause or permit electrical energy to flow or be transmitted or distributed through the electricity infrastructure.
- (d) TO cut away remove and keep clear of the electricity infrastructure all trees and other obstructions or erections of any nature whatsoever which may at any time overhang, encroach upon or be in or on the servient land and which may in the opinion of Transend or its successors endanger or interfere with the proper operation of the electricity infrastructure.
- (e) TO enter into and upon the servient land for all or any of the above purposes, with or without all necessary plant equipment and machinery and the means of transporting the same, and if necessary to cross the remainder of the land, where practicable in consultation with the registered proprietor/s, for the purpose of access and egress to and from the servient land.

SECONDLY the benefit of a covenant for Transend and its successors with the registered proprietor/s for themselves and their successors not to erect any buildings or place any structures or objects within the servient land without the prior written consent of Transend or its successors to the intent that the burden of the covenant may run with and bind the servient land and every part thereof and that the benefit thereof may be annexed to the easement hereinbefore described.

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, OSKAR KARL HEINRICH, Executive Officer (Administration) acting as a delegate of the Minister of the Crown for the time being administering the *Land Acquisition Act 1993* do hereby declare that the land in the Schedule hereto is taken and vested in the Crown absolutely under the said Act for road purposes.

Given under my hand this fourteenth day of August 2008.

O. K. HEINRICH, Executive Officer (Administration),
Department of Primary Industries and Water,
144 Macquarie Street, Hobart.

Schedule

All that 2548m² of land situate in the Town of Altamont being Lot 1 on Plan of Survey P154773 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 24420 Folio 1 of which Blair Edward Allen and Katherine Marree Rimmer are the registered proprietors. (09-98-45)

Location: Lyell Highway - Granton to New Norfolk
Municipal Area: Derwent Valley

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, OSKAR KARL HEINRICH, Executive Officer (Administration) acting as a delegate of the Minister of the Crown for the time being administering the *Land Acquisition Act 1993* do hereby declare that the land in the Schedule hereto is taken and vested in the Crown absolutely under the said Act for road purposes.

Given under my hand this fourteenth day of August 2008.

O. K. HEINRICH, Executive Officer (Administration),
Department of Primary Industries and Water,
144 Macquarie Street, Hobart.

Schedule

All that 3617m² of land situate in the Parish of Wellington Land District of Buckingham being Lot 1 on Plan of Survey P154771 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 110123 Folio 1 of which Noel John Barnes and Portia Barnes are the registered proprietors. (10-66-33)

Location: Lyell Highway - Granton to New Norfolk
Municipal Area: Derwent Valley

Living Marine Resources

FISHERIES (RESEARCH AREA) ORDER (No. 2) 2008

I MAKE the following order under Section 143 of the *Living Marine Resources Management Act 1995*.

Dated the fourth day of August 2008.

DAVID LLEWELLYN, Minister for
Primary Industries and Water.

Short title

1. This order may be cited as the Fisheries (Research Area) Order (No.2) 2008.

Commencement

2. This order takes effect on the day on which it is published in the Gazette.

Interpretation

Research area

3. The following part of State waters (on the east coast of Tasmania approximately adjacent to the north east of Grants Point) is declared to be a research area;

All waters within an imaginary line commencing at the intersection of the high-water mark and the line of longitude 148° 20' 11.95" East on the northern side of Grants Point then to latitude 41° 14' 47.6" S, longitude 148° 20' 27.4"; to latitude 41° 14' 48.1" S, longitude 148° 20' 38.5"; to latitude 41° 15' 26.51" S, longitude 148° 20' 41.4"; then due West to the high-water mark.

Restrictions on taking fish in the research area

The following restrictions on fishing are declared to apply in the research area referred to in clause (4).

4. A person must not—

- a) take any fish by diving or swimming beneath the surface; or
- b) set or use a rock lobster pot, rock lobster ring; or
- c) possess rock lobster marked in the tail fan with two separate and distinct holes that are at least 5 millimetres in diameter or having blue and yellow markings which will be visible within the muscle tissue on the under side of the tail.

5. Revocation

The *Fisheries (Research Area) Order 2008* published in the *Gazette* on the 23rd April 2008 is revoked.

Explanatory Note

This Order relates to the declaration of a fisheries research area around Elephant Rock under Living Marine Resources Management Act 1995; for the purpose of research into the control of the Long Spined Sea Urchin (*Centrostephanus rodgersii*). The Order imposes certain restrictions on fishing and the possession of fish in that research area and revokes the Fisheries (Research Area) Order 2008.

Information

All coordinates are in GDA94. For further information, contact the Wild Fisheries Management Branch of the Department of Primary Industries and Water on 6233 6208 or on the Internet at www.fishing.tas.gov.au

LIVING MARINE RESOURCES MANAGEMENT ACT 1995

Fisheries (Shellfish) Rules 2007, Rule 7

PUBLIC NOTICE—SETTING OF TOTAL ALLOWABLE CATCH
(TAC), DETERMINING THE PARTS AND PORTIONS FROM WHICH
THE TAC IS TO BE TAKEN FOR THE COMMERCIAL SHELLFISH
FISHERY.

I, DAVID LLEWELLYN, the Minister administering the *Living Marine Resources Management Act 1995*, pursuant to section 94 of that Act, and *Fisheries (Shellfish) Rules 2007, Rule 7* hereby, for the 2008/2009 quota period of the commercial Shellfish Fishery commencing 1 September 2008:

1. Set the Total Allowable Catch for the commercial Shellfish Fishery as: 33,600 kilograms of *Venerupis* clams; 9,360 kilograms of *Katelysia* cockles; and 41,000 dozen native oysters; and,
2. Determine that the parts of the commercial Shellfish Fishery from which the total allowable catch is to be taken are: the Georges Bay South Clam Zone; Georges Bay North Clam Zone; Ansons Bay Cockle Zone; and Georges Bay; and,
3. Determine that the portion of total allowable catch to be taken from each part of the commercial Shellfish Fishery is as follows:
 - Georges Bay South Clam Zone – 9,360 kilograms of *Venerupis* clams;
 - Georges Bay North Clam Zone – 24,000 kilograms of *Venerupis* clams;
 - Ansons Bay Cockle Zone – 9,360 kilograms of *Katelysia* cockles; and,
 - Georges Bay – 41,000 dozen native oysters.

Words and expressions used in this Public Notice have the same meaning as they have in the *Living Marine Resources Management Act 1995* and the *Fisheries (Shellfish) Rules 2007*.

Dated this eighth day of August 2008.

DAVID LLEWELLYN, Minister for
Primary Industries and Water.

Crown Land

Department of Treasury and Finance
Hobart, 12 August, 2008.

CROWN LANDS ACT 1976

NOTICE is hereby given that under the provisions of the *Crown Lands Act 1976* the property listed below will be submitted for sale by public auction.

Land Zoned Residential

12 Simmons Court, Lindisfarne
Folio of the Register Volume 145918 Folio 1

10 Simmons Court, Lindisfarne
Folio of the Register Volume 145918 Folio 2

8 Simmons Court, Lindisfarne
Folio of the Register Volume 145918 Folio 3

6 Simmons Court, Lindisfarne
Folio of the Register Volume 145918 Folio 4

4 Simmons Court, Lindisfarne
Folio of the Register Volume 145918 Folio 5

2 Simmons Court, Lindisfarne
Folio of the Register Volume 145918 Folio 6

Auction details:

On site

Simmons Court, Lindisfarne
1 p.m. Saturday, 6 September 2008

Estate agents appointed to market the property on behalf of the Crown:

Petrusma & Partners
26 Wellington Road,
Lindisfarne TAS 7015

HON DAVID LLEWELLYN, MHA,
Minister for Primary Industries and Water.

Forest Practices

Forest Practices Authority
11 August, 2008

NOTIFICATION

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

SCHEDULE PRIVATE TIMBER RESERVE WHOLE TITLE

Application No.	OWNER	LAND TITLE REFERENCE	LOCATION	MUNICIPAL AREA
1932	Chugg, WR	C/T Vol 102780 Fol 4	Blessington	Launceston City Council
1934	Forest Enterprises Australia Ltd	C/T Vol 226762 Fol 1	Nietta	Central Coast Council
1931	Ratray, TB	C/T Vol 136165 Fol 1 C/T Vol 205386 Fol 1 C/T Vol 207416 Fol 1 C/T Vol 242899 Fol 1 C/T Vol 243398 Fol 1	Pyengana	Break O'Day Council
1933	Thirty-Second Newcomer	C/T Vol 212479 Fol 1	Mangana	Break O'Day Council
1936	Wesley Vale Engineering Pty Ltd	C/T Vol 133429 Fol 1	West Ridgley	Burnie City Council
1937	Wesley Vale Engineering Pty Ltd	C/T Vol 49287 Fol 1 C/T Vol 49287 Fol 2	Gowrie Park	Kentish Council

Given under my hand at Hobart in Tasmania on 11 August, 2008.

By His Excellency's Command,

P.G. UNDERWOOD, Governor.

D. LLEWELLYN, Minister for Energy & Resources

Forest Practices

**Forest Practices Authority
11 August, 2008**

Forest Practices Act 1985

NOTIFICATION

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

**SCHEDULE
PRIVATE TIMBER RESERVE
PART TITLE**

Application No.	OWNER	LAND TITLE REFERENCE	LOCATION	MUNICIPAL AREA
1932	Chugg, WR	C/T Vol 102780 Fol 2 C/T Vol 139584 Fol 2	Blessington	Launceston City Council
1935	Maxwell, BI	C/T Vol 239623 Fol 1	Loongana	Central Coast Council

Given under my hand at Hobart in Tasmania on 11 August, 2008.

By His Excellency's Command,

D. LLEWELLYN, Minister for Energy and Resources

P.G. UNDERWOOD, Governor.

Cities Councils

HOBART CITY COUNCIL ·

CAR PARKS & PARKING BY-LAW

BY-LAW 2 of 2008

BY-LAW MADE UNDER SECTION 145

OF THE LOCAL GOVERNMENT ACT 1993

FOR THE PURPOSE OF

MANAGING AND CONTROLLING PARKING IN THE MUNICIPAL AREA

PART 1- PRELIMINARY

Short Title

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

Interpretation

2. In this by-law: -

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

"**car park**" means any off street area set aside by the Council to park vehicles and all buildings, equipment, signs, access ways, land, fences, chattels and structures used or connected in any way with the car park;

"**Council**" means Hobart City Council;

"**gantry point**" mean a physical device installed at the entrance of the car park that indicates the maximum allowable height for any vehicle to enter and access the car park with adequate height clearance throughout the car park;

"**fuel**" includes petrol, diesel and LP Gas;

"**General Manager**" means the General Manager of the Council appointed pursuant to section 61 of the Act;

"**loiter**" means to idle about the car park other than in a waiting lounge or lawfully seated in a car;

"**missile**" includes any object or substance that is capable of being thrown;

"**offensive act**" includes expectorating;

"**owner**" includes: -

- a) in the case of a motor vehicle within the meaning of the *Vehicle and Traffic Act 1999* –
 - (i) a joint owner or part owner of the vehicle;
 - (ii) a person who has use of the vehicle under a hiring or a hire-purchase agreement;
 - (iii) a person who is registered as the owner of the vehicle under that Act or any corresponding enactment or ordinance of a State or Territory of the Commonwealth;and
- b) in the case of any other vehicle -
 - (i) a joint owner or part owner of the vehicle;

(ii) a person who has the use of the vehicle under a hiring or hire-purchase agreement; and

(iii) a person in charge of the vehicle,

at the time at which there was a contravention of this by-law with that vehicle;

"**park**" means for the driver of a vehicle to stop that vehicle for more than 10 seconds except: -

(a) because the stopping traffic prevents movement; or

(b) to, and not for any longer than is necessary to, set down or pick up passengers or goods without waiting;

"**parking space**" means any space marked out by the Council as a parking space;

"**trailer**" means a contrivance as defined in clause (a) and (b) of section 3 of the *Vehicle and Traffic Act 1999* but does not include a side-car or side-box attached to a motor-cycle;

"**ticket**" means a ticket the property of the Council issued by a ticket dispensing machine or an authorised officer;

"**ticket dispensing machine**" means a mechanical appliance for automatically ejecting tickets with or without the necessity for a button to be pushed;

"**use**" in relation to a skateboard, means use or ride a skateboard;

"**vehicle**" means a motor vehicle as defined in section 3 of the *Vehicle and Traffic Act 1999*, other than a traction engine, tractor, lorry or vehicle exceeding six metres in length and two metres in height: -

- a) the length of any vehicle is measured from one extreme end of the vehicle to the other including any trailer or other attachment or fitting on the vehicle;
- b) the height of any vehicle is measured from the ground to the highest point of any vehicle including any trailer or other attachments or fittings on the vehicle or any thing carried on the vehicle or on any trailer attached to the vehicle;

PART 2 - GENERAL PROVISIONS

Application

3. This by-law applies to all off street car parks operated by the Council.

Parking subject to by-law and terms and conditions

4. A person may only park a vehicle in a car park subject to the provisions of this by-law and in accordance with any notices displayed in the car park and the terms and conditions on any ticket issued or on a form issued with a ticket.

Days of operation of the car park

5. The days and times on which the car parks are to operate are those displayed on signs at the car parks.

PART 3 - PARKING IN THE CAR PARK

Parking in car park without marked spaces

6. A person parking a vehicle in a car park where the spaces are not marked or indicated must park the vehicle only as directed by an authorised officer and if there is no authorised officer present must park the vehicle:-

- a) only in the parking space specified in the current parking permit issued by the Council to the owner; or
- b) if there is not a current permit, and space is available, as directed by a notice erected by

- the Council at or near the entrance to the car park; and
- c) so as not to hinder the entrance and exit of any other vehicle to or from a parking space or the car park.

Penalty: 2 penalty units

Parking in a car park with marked spaces

7. A person parking a vehicle in a car park in which the parking spaces are marked or indicated must park the vehicle entirely within the marked spaces of a single empty parking space and unless an authorised officer directs otherwise, must only park the vehicle in a particular parking space.

Penalty: 2 penalty units

Parking one car per marked space

8. A person must not cause more than one vehicle to be parked within a single parking space as indicated or marked.

Penalty: 2 penalty units.

Use of ticket dispensing machines

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

Penalty: 2 penalty units

Interference with ticket dispensing machines

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

Penalty: 2 penalty units

Production or display of tickets

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

Penalty: 1 penalty unit

- 2) A person who is required to display a ticket must not place it except on the dashboard of the car or against the inside of the windscreen of the vehicle so that the time on it is able to be read from the outside of the vehicle through the windscreen.

Penalty: 1 penalty unit

Parking

12. A person must not park a vehicle in a car park for any period longer than the person has paid for.

Penalty: 2 penalty units

Parking exceeding maximum time

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

Penalty: 2 penalty units

Parking in areas set aside for certain vehicles

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

Penalty: 2 penalty units

Parking in areas set aside for certain people

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

Penalty: 2 penalty units

Parking only in parking spaces

16. A person must not park in any part of the car park other than a parking space.

Penalty: 1 penalty unit

PART 4 - PROHIBITIONS IN CAR PARKS

Instructions by authorised officer

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

Penalty: 2 penalty units

Entry to and exit from the car park

18. A person must not drive or attempt to drive a vehicle into a car park except through a designated entrance or out of a car park except through a designated exit.

Penalty: 2 penalty units

Driving in the car park

19. A person must not drive or attempt to drive a vehicle in the car park contrary to any direction, sign or indication of a route of travel no matter how the direction of travel is indicated.

Penalty: 2 penalty units

Removal of Council property from the car park

20. A person must not remove or attempt to remove any property, article, or thing which is the property of the Council either from the car park or from one part of the car park to another.

Penalty: 2 penalty units

Entry to unauthorised areas

21. A person must not enter or remain in any part of the car park which is not set aside or available for that person's use.

Penalty: 2 penalty units

Trespass and loitering

22. A person must not commit any trespass on or loiter within any car park.

Penalty: 2 penalty units

Speed limit

23. A person must not drive a vehicle in the car park at a speed exceeding the speed posted on any sign in the car park or if there is no sign 15 kilometres an hour.

Penalty: 2 penalty units

Washing, sweeping and repairing of vehicles

24. With the exception of the Council, a person must not wash, sweep out, scrape, paint, dismantle or repair any vehicle in the car park except where the repair is necessary to enable the vehicle to be removed from the car park.

Penalty: 2 penalty units

Damaging fixtures

25. A person must not damage, destroy, disfigure, draw upon, tamper with, affix anything to, or in any way interfere or meddle with anything forming part of the car park or anything connected or used with the car park including decorations.

Penalty: 2 penalty units

Hindering or resisting authorised officers

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

Penalty: 2 penalty units.

Acting contrary to signs or directions

27. A person must not do anything in the car park contrary to any direction or instruction on any notice or sign erected, displayed, or shown or contrary to any sign or instruction given by any

authorised officer.

Penalty: 2 penalty units

Maximum clearance height of vehicles

28. A person must not continue driving a vehicle beyond the gantry point in the car-park once the over-height clearance alarm has sounded.

Penalty: 5 penalty units.

Annoying or disturbing other users

29. A person must not annoy, disturb, interrupt, obstruct, or abuse any other person lawfully using the car park.

Penalty: 2 penalty units

Sleeping in cars

30. A person must not sleep in any vehicle in the car park after the car park has been closed.

Penalty: 2 penalty units

Hawking or selling

31. A person must not hawk, sell, offer or expose for sale any article or thing whatsoever in the car park unless the person has first obtained the General Manager's consent in writing.

Penalty: 2 penalty unit

Building or assembling in the car park

32. A person must not build any structure or assemble any thing in the car park unless the person has first obtained the General Manager's consent in writing.

Penalty: 2 penalty units

Display of items in the car park

33. A person must not display, exhibit, or distribute any advertisement, book, card, handbill, notice, pamphlet, paper, picture, placard, or other thing whatsoever in the c, park, except in the case of the sale of newspapers, periodicals, and printed matter where the vendor or distributor has first obtained the General Manager's consent in writing.

Penalty: 2 penalty units

Begging or soliciting

34. A person must not beg, solicit, induce, or collect gifts, whether of money or otherwise, for any purpose, or sell tickets for a lottery, or badges or buttons or favour or the like in the car park without first obtaining the General Manager's consent in writing.

Penalty: 2 penalty unit

Nuisances or indecent acts

35. A person must not commit any nuisance or any indecent or offensive act in the car park.

Penalty: 2 penalty units

Fires and dangerous things

36. A person must not light any fire or firework in the car park or bring any dangerous, explosive or lethal thing into the car park.

Penalty: 2 penalty units

Throwing of missiles

37. A person must not throw any missile or break any bottle in the car park.

Penalty: 5 penalty units

Making noise in the car park

38. A person must not deliver any address, preach, speak to an assembly of people, play any musical instrument, sing, or play any radio, cassette player, compact disc player or other means of reproducing sound or speech noisily so it is able to be heard outside the person's vehicle in the car park, except if the person has first obtaining the General Manager's consent in writing.

Penalty: 2 penalty units

Playing of games

39. A person must not play any game in the car park except if the person has first obtained the General Manager's consent in writing.

Penalty: 2 penalty units

Interference with other vehicles

40. A person must not drive, move or interfere with any vehicle in the car park which the person does not own unless the person has the permission of the owner of the vehicle to do so.

Penalty: 5 penalty units

Failure to report damage

41. A person must not fail to immediately report any damage occasioned by the person to the car park or to any vehicle in the car park, other than the one the person was driving or moving, to an authorised officer, or if there is not an authorised officer in attendance at the car park then to a police officer.

Penalty: 5 penalty units

Removal of infringement notices

42. A person must not move or remove any infringement notice which has been placed on any

vehicle in the car park by an authorised officer so that the contents of the notice do not come to the attention of the driver or person in charge of the vehicle,

Penalty: 2 penalty units

Transfer of tickets

43. A person must not transfer any ticket from a ticket dispensing machine to any other person or any other vehicle.

Penalty: 2 penalty units

Leaking or depositing oil and/or fuel

44. A person must not park a vehicle in the car park that is leaking or depositing oil and/or fuel.

Penalty: 2 penalty units

Removal of vehicle depositing oil and/or fuel

45. An authorised officer may have removed from the car park any vehicle that is depositing or leaking an amount of oil and/or fuel which, in the opinion of an authorised officer, presents a danger to other car park users or is otherwise a public liability risk.

Threats inside or at a car park

46. A person must not make a wilful threat or commit a dangerous act in or directed at the car park.

Penalty: 20 penalty units

Skateboards and Bicycles

47. A person must not use a skateboard in a car park.

Penalty: 2 penalty units.

PART 5 – RECOVERY OF COSTS

Expenses incurred

48. Any expense or damages incurred by the Council as a result of the breach of any of the by-laws, including expense or damages incurred by the forced closure or evacuation of the car park, will be paid by the person committing the breach and is recoverable by the Council as a debt due to it.

PART 6 - INFRINGEMENT NOTICES

49. (1) In this clause –

“specified offence” means an offence against the clause specified in Column 1 of Schedule 1.

(2) An infringement notice may be issued in respect of a specified offence and the monetary

penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.

(3) An authorized officer may –

a) issue an infringement notice to a person who the authorized 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.

PART 7 - SEIZURE AND ARREST

50. (1) Any authorised officer may:

a) remove any person from a car park whom the authorised officer reasonably believes has committed or who is committing an offence under this by-law; and

b) remove anything which is in a car park without the approval of the Council.

(2) A police officer is authorised to:

a) assist an authorised officer to carry out any action under clause (1) above; and

b) arrest any person who is in a car park whom the police officer reasonably believes has committed or who is committing an offence.

PART 8 – LOCAL GOVERNMENT (HIGHWAYS) ACT 1982

Amounts payable

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

Section	Description of Offence	Penalty (Dollar amount)	Reduced penalty if paid to Council within 14 days from date of service of the Infringement Notice	Reduced penalty if paid to Council after 14 days but within 28 days from date of service of the Infringement Notice
Section 97(1)(a)(i)	Remaining parked whilst meter not running	\$80	\$25	\$35

Section 97(1)(a)(ii)	Exceeding maximum period on parking meter	\$80	\$35	\$45
Section 97(1)(b)(i)	Parking without parking voucher displayed	\$80	\$25	\$35
Section 97(1)(b)(ii)	Parking longer than authorized by a parking voucher	\$80	\$25	\$35
Section 97(1)(c)	Parking more than one motor vehicle in a space	\$80	\$25	\$35
Section 97(1)(d)	Parking a motor vehicle partly inside and partly outside a space	\$80	\$25	\$35
Section 98	Obstructing use of parking space	\$80	\$25	\$35
Section 99	Parking whilst space closed	\$80	\$25	\$35

SCHEDULE

1. INFRINGEMENT NOTICE OFFENCES

Column 1 CLAUSE	Column 2 GENERAL DESCRIPTION OF OFFENCE	Column 3 PENALTY (Penalty units)
6	Parking in car park without marked spaces	0.5
7	Parking in car park with marked spaces	0.5
8	Parking one car per marked space	0.5
9	Use of ticket dispensing machine no in accordance with notice	0.5
10	Interference with ticket dispensing machine	0.5
11(1)	Failure to produce or display ticket	0.25
11(2)	Failure to display on dashboard	0.25
12	Over parking	0.5
13	Parking exceeding maximum time	0.5
14	Parking in areas set aside for certain vehicles	0.5
15	Parking in areas set aside for certain people	0.5

16	Parking outside of parking space	0.25
17	Failure to comply with directions of authorized officer	0.5
18	Entering or exiting car park outside designated entrance or exit	0.5
19	Driving contrary to direction, sign or indication	0.5
20	Removal of Council property from the car park	0.5
21	Entry to unauthorized areas	0.5
22	Trespassing or loitering in car park	0.5
23	Exceeding speed limit in car park	0.5
24	Washing, sweeping and repairing of vehicles in car park	0.5
25	Damaging fixtures in car park	0.5
26	Hindering or resisting authorized officers	0.5
27	Acting contrary to signs or directions	0.5
28	Exceeding maximum clearance height of vehicles	1.25
29	Annoying or disturbing other users	0.5
30	Sleeping in vehicle in car park	0.5
31	Hawking or selling in car park without consent	0.5
32	Building or assembling in car park without consent	0.5
33	Display of items in car park without consent	0.5
34	Begging or soliciting in car park without consent	0.5
35	Nuisances or indecent act in car park	0.5
36	Fires and dangerous things in car park	0.5
37	Throwing of missiles in car park	1.25
38	Making noise in car park without consent	0.5
39	Playing of games in car park without consent	0.5
40	Interference with other vehicles in car park	1.25
41	Failure to report damage	1.25
42	Removal of infringement notices	0.5
43	Transfer of tickets	0.5
44	Leaking or depositing oil and/or fuel	0.5
46	Threats inside or at a car park	5
47	Use of skateboard or bicycle	0.5

Certified that the provisions of the By-law are in accordance with the law by

N.D. HEATH
City Solicitor

Dated this 5th day of August 2008
At Hobart

Certified that the By-law is made in accordance with the *Local Government Act 1993* by

V.B. ARMSTRONG
General Manager

Dated this 5th day of August 2008
At Hobart

The Common Seal of the HOBART
CITY COUNCIL was hereunto affixed
in the presence of :

R.H.F. VALENTINE
Lord Mayor

V.B. ARMSTRONG
General Manager

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>Government Prices Oversight Act 1995</i>	S. R. 2008, No. 90	<i>Government Prices Oversight (MAIB Premiums) Amendment Order 2008</i>
(2) <i>Poisons Act 1971</i>	S. R. 2008, No. 91	<i>Poisons Amendment (Fentanyl Lozenges) Regulations 2008</i>
(3) <i>Property Agents and Land Transactions Act 2005</i>	S. R. 2008, No. 92	<i>Property Agents and Land Transactions Amendment Regulations 2008</i>
(4) <i>Taxi and Luxury Hire Car Industries Act 1995</i>	S. R. 2008, No. 93	<i>Taxi Industry Amendment (Fares) Regulations 2008</i>
(5) <i>Vehicle and Traffic Amendment (Novice Driver Licensing) Act 2008</i>	S. R. 2008, No. 94	Proclamation under section 2
(6) <i>Vehicle and Traffic Act 1999</i>	S. R. 2008, No. 95	<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Novice Driver Licensing) Regulations 2008</i>
(7) <i>Vehicle and Traffic Act 1999</i>	S. R. 2008, No. 96	<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2008</i>
(8) <i>Water Management Act 1999</i>	S. R. 2008, No. 97	<i>Water Management Amendment (Fees) Regulations 2008</i>
(9) <i>Traffic Act 1925</i>	S. R. 2008, No. 98	<i>Traffic (Compliance and Enforcement) Amendment Regulations 2008</i>
(10) <i>Traffic Act 1925</i>	S. R. 2008, No. 99	<i>Traffic (Road Rules) Amendment (Novice Driver Licensing) Regulations 2008</i>
(11) <i>Inland Fisheries Act 1995</i>	S. R. 2008, No. 100	<i>Inland Fisheries (Seasons and Waters) Amendment Order 2008</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) Government Prices Oversight (MAIB Premiums) Amendment Order 2008

This order amends the *Government Prices Oversight (MAIB Premiums) Order 2006* by –

- (a) extending to the holders of certain health care cards the concession in MAIB premiums currently available to pensioners; and
- (b) limiting that concession in MAIB premiums to one vehicle for each eligible person claiming the concession.

(2) Poisons Amendment (Fentanyl Lozenges) Regulations 2008

These regulations amend the *Poisons Regulations 2002* by including fentanyl lozenges in a list of narcotic substances that must not be issued to a patient without the authority of the Secretary.

(3) Property Agents and Land Transactions Amendment Regulations 2008

These regulations amend the *Property Agents and Land Transactions Regulations 2006* by revising the qualification requirements for persons to be registered as real estate agents under the *Property Agents and Land Transactions Act 2005*.

(4) Taxi Industry Amendment (Fares) Regulations 2008

These regulations amend the *Taxi Industry Regulations 1996* by increasing taxi fares and charges.

(5) Proclamation under Section 2 of The Vehicle and Traffic Amendment (Novice Driver Licensing) Act 2008

This proclamation fixes 25 august 2008 as the day on which the provisions of the *Vehicle and Traffic Amendment (Novice Driver Licensing) Act 2008* commence.

(6) Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Novice Driver Licensing) Regulations 2008

These regulations make provision in respect of –

- (a) the regression of novice drivers from a licensing stage to an earlier licensing stage; and
- (b) the periods for which learner licences and provisional licences are to be held; and
- (c) prescribed offences for the purposes of the *Vehicle and Traffic Act 1999*; and
- (d) eligibility to apply for certain licences; and
- (e) various related matters.

(7) Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment Regulations 2008

These regulations amend the *Vehicle And Traffic (Driver Licensing And Vehicle Registration) Regulations 2000* by –

- (a) making special provision for the expiry of heavy vehicle learner licences; and
- (b) providing that the holding of a heavy vehicle learner licence and an ancillary certificate may be shown on a driver licence by means of a code; and
- (c) revising, and in some cases limiting, the scope of certain exemptions, concessions and rebates relating to the payment of motor tax and vehicle registration.

(8) Water Management Amendment (Fees) Regulations 2008

These regulations amend the *Water Management Regulations 1999* by revising the fees payable under the *Water Management Act 1999*.

(9) Traffic (Compliance and Enforcement) Amendment Regulations 2008

These regulations amend the *Traffic (Compliance and Enforcement) Regulations 2001*–

- (a) by prescribing certain offences for the purposes of section 43h of the *Traffic Act 1925*; and
- (b) to update references to 1st year provisional drivers; and
- (c) to provide for the issue of a traffic infringement notice in relation to a learner driver driving without an accompanying person as required and a learner failing to display l-plates; and
- (d) by replacing certain references, in respect of certain offences, to motor cycle licences with references to pl provisional licences in relation to motor cycles.

(10) Traffic (Road Rules) Amendment (Novice Driver Licensing) Regulations 2008

These regulations amend the *Road Rules* in relation to the speed limit applicable to novice drivers.

(11) Inland Fisheries (Seasons and Waters) Amendment Order 2008

This order amends the *Inland Fisheries (Seasons and Waters) Order 1996* by opening further inland waters to the taking of acclimatised (non-indigenous) fish during established open seasons.

Copies of the abovementioned statutory rules may be purchased at Print Applied Technology Pty Ltd, 123 Collins Street, Hobart, Phone (03) 6233 3289 or Toll Free 1800 030 940; 80B Wilson Street, Burnie and State Offices, 68 Rooke Street, Devonport.

P. R. CONWAY, 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.'

RUTH FORREST, MLC, Chairperson..

Disclaimer

Products and services advertised in this publication are not endorsed by the State of Tasmania and the State does not accept any responsibility for the content or quality of reproduction. The Contractor reserves the right to reject any advertising material it considers unsuitable for government publication.

Copyright

The Tasmanian Government Gazette and Tasmanian State Services are subject to the Copyright Act. No part of any material published in the Tasmanian Government Gazette or the Tasmanian State Services Notices may be reproduced except in accordance with the Copyright Act.

Printed by Print Applied Technology Pty Ltd under authority of the Government of the State of Tasmania