



TASMANIAN GOVERNMENT GAZETTE

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Notices to Creditors

FRANCES MARY STANFIELD late of 80 Maluka Terrace Bellerive in Tasmania, Single/Retired Nurse. Creditors, next of kin and others having claims in respect of the property or estate of the deceased Frances Mary Stanfield who died on the 20 February 2015 are required by the Executors Michael Anthony Stanfield and Stephen John Mannering C/- Simmons Wolfhagen of 168 Collins Street Hobart in Tasmania to send particulars to Simmons Wolfhagen by the seventeenth day of July 2015 after which date the Executors may distribute the assets, having regard only to the claims of which they then have notice.

Dated this seventeenth day of June 2015.

SIMMONS WOLFHAGEN, Solicitors for the Executors

NELLIE JOY EDWARDS formerly of 1684 Cygnet Coast Road, Cradoc in Tasmania but late of Huon Eldercare, 3278 Huon Highway, Franklin in Tasmania who died on the fifteenth day of February 2015 Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executor, Peter John Edwards, care of Murdoch Clarke of 10 Victoria Street, Hobart in Tasmania to send particulars to the said Executor and to the Registrar of the Supreme Court of Tasmania (care of GPO Box 167, Hobart, Tasmania, 7001) on or before the twenty-ninth day of July, 2015 after which date the Executor may distribute the assets, having regard only to the claims of which the Executor then has notice.

Dated this seventeenth day of June 2015.

MURDOCH CLARKE, Solicitors to the Estate

NORMAN CHARLES GUEST late of 44a Risby Street, Ulverstone in Tasmania, Retired Jockey and Landscape Gardener, who died between 26 October 2014 and 27 October 2014. Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executor, Lee James Edwards, C/- Friend & Edwards Lawyers, 2Sa King Edward Street, Ulverstone in Tasmania, to send particulars of their claim in writing to the Registrar of the Supreme Court of Tasmania, 5 Salamanca Place, Hobart in Tasmania, on or before the fifteenth day of July 2015 after which date the Executor may distribute the assets having regard only to the claims of which the Executor then has notice.

Dated this seventeenth day of June 2015.

FRIEND & EDWARDS Lawyers, Solicitors to the Estate

Tasmanian Government Gazette

Text copy to be sent to Mercury Walch Pty Ltd.
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Gazette and State Service Online

The Tasmanian Government Gazette and State Service Notices are now available online at:— www.gazette.tas.gov.au

NOEL DONOVAN, Retired Paratrooper/Widower, deceased, who died on 27 February 2015, late of Freemasons Homes, Lindsifarne in Tasmania. Ginna Maria Webster c/-133 Macquarie Street, Hobart in Tasmania, Public Servant/Single Woman, Angela Dianna Meehan of 125 Green Valley Road, Bagdad in Tasmania, Retired Secretary/Married Woman and Peter Royston Worrall of 133 Macquarie Street, Hobart in Tasmania, Lawyer/Married Man, as Legal Personal Representatives of Noel Donovan, require that any person who has a claim against the estate, lodge written details of their claim with the Registrar of the Supreme Court of Tasmania at Salamanca Place, Hobart in Tasmania, within thirty (30) days from the date of publication of this notice, after which date the Legal Personal Representatives are at liberty to pay and distribute the assets of the estate, dealing then only with the claims that they have notice.

Dated this seventeenth day of June 2015.

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

PUBLIC TRUSTEE ACT 1930

NOTICE UNDER SECTION 19 (1) (d) OF THE ACT

PURSUANT to Section 19 (1) (d) of the Public Trustee Act 1930, notice is hereby given that after the expiration of fourteen (14) days from the publication hereof, application will be made by the Public Trustee to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration (with the Will annexed) of the estate of the undermentioned deceased person, may be granted to the Public Trustee:-

CECIL DOUGLAS CURTIS late of 34 Fitzroy Place Dynnyme in Tasmania Pensioner/Widower deceased

Dated this seventeenth day of June 2015.

David Benbow, Chief Executive Officer,
Public Trustee

Administration and Probate

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 (14) days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration with the will annexed of the Estate of JACK FRANCIS BEHRENS late of Lillian Martin Home, Mornington in the State of Tasmania, Retired Fisherman/Boat Builder, widower, deceased may be granted to Rodney George Behrens of 3/43 Howrah Road, Howrah in the State of Tasmania, fisherman, married man and one of the residuary legatees and devisees in the estate

Dated this seventeenth day of June 2015.

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

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

Notice is hereby given that, after the expiration of 14 days from

the publication hereof, application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that letters of administration (with the Will annexed) of the estate of late of DENNIS JOHN GARLAND also known as Denis John Garland late of Strathaven Home, Berriedale in Tasmania, retired shift boss/widower deceased, formerly of 23 Lime Road Moonah in Tasmania may be granted to Simon Peter Wilding of 20 Murray Street Hobart in Tasmania, lawyer/divorced as lawful attorney for the deceased's daughter and residuary legatee under the Will Vicki Martha Zimpo.

Dated this seventeenth day of June 2015.

BUTLER MCINTYRE & BUTLER,
Solicitors for the Estate

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to Apply for Letters of Administration

Notice is hereby given that after the expiration of fourteen (14) days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of MAXWELL JAMES MCIVOR formerly of 444 Main Road, Gravelly Beach in the State of Tasmania waterside worker, widower, deceased may be granted to David Martin Rees of 9 Victoria Street, Hobart in Tasmania, solicitor, married the duly appointed attorney of Maxine Jan O'Brien of 20/23-27 Engadine Avenue, Engadine in New South Wales, retired, divorced the lawful daughter of the said deceased.

Dated this seventeenth day of June 2015.

E.R. HENRY WHERRETT & BENJAMIN
Solicitors for the Applicant

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 the 9th day of June 2015.

SANDRA ELIZABETH LOWI

DATED this 9th day of June 2015

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

Water Management

WATER MANAGEMENT ACT 1999

Public Notice of an Application for the Establishment of an Irrigation District under the Water Management Act 1999 Southern Highlands Irrigation District

Notice is hereby given in accordance with Section 174 of the *Water Management Act 1999* that an application has been received under Section 168 for the establishment of the Southern Highlands Irrigation District. The application relates to the establishment of an irrigation district covering part of

the Clyde catchment and overlapping into parts of the Ouse and Jordan catchments. The proposed Southern Highlands Irrigation District will be used to enhance the agricultural productivity within the district through the introduction of additional irrigation water. Tasmanian Irrigation Pty Ltd is seeking contracts to sell 7,600 ML of irrigation rights to irrigators within the proposed district. Water delivery will be achieved through the pipelines, which will be constructed if the application is approved. Irrigators will access water directly from the pipeline. The proposed Scheme will be managed by Tasmanian Irrigation Pty Ltd.

The application has been made by Tasmanian Irrigation Pty Ltd, a water entity declared by the Minister under section 166(1)(e) of the Act.

The application will be on public display until close of business, 17 July, during normal business hours at the Department's Hobart, Devonport or Launceston offices:

MARINE BOARD BUILDING

1 FRANKLIN WHARF, HOBART TAS 7000

"STONE RISE",

1 to 2 RUNDLE ROAD, STONEY RISE TAS 7310

PROSPECT OFFICES

167 WESTBURY ROAD, PROSPECT TAS 7250

between 9.00am and 5.00pm, or by telephoning Bill Shackcloth on (03) 6165 3001.

Any person who may be affected by the application, may, until close of business on 17 July, make written representations, addressed to the Manager, Water Management and Assessment Branch, Department of Primary Industries Parks, Water and Environment, GPO Box 44, Hobart 7001.

Industrial Relations

INDUSTRIAL RELATIONS ACT 1984

Notice of Variation of an Award

<i>Name of Award</i>	<i>Award No.</i>	<i>Date Made</i>
Police.....	2 of 2015 (Consolidated)	10/06/2015

Dated the tenth day of June 2015.

A. T. MAHONEY, Registrar.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, TIMOTHY WILLIAM GRANT, Acting Valuer-General 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 11th day of June 2015.

TIM GRANT, Acting Valuer-General.
Department of Primary Industries,
Parks, Water and Environment,
134 Macquarie Street, Hobart

SCHEDULE

All that 2211m2 of land situate in the Parish of Thanet, Land District of Kent being Lot 2 on Plan of Survey P169479 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 217286 Folio 1 of which Raymond Lyle Peter Doyle is the registered proprietor.

Location: Huon Highway - Glendevie

Municipal Area: Huon Valley (24-30-68)

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, TIMOTHY WILLIAM GRANT, Acting Valuer-General 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 11th day of June 2015.

TIM GRANT, Acting Valuer-General.
Department of Primary Industries,
Parks, Water and Environment,
134 Macquarie Street, Hobart

SCHEDULE

All that 2907m2 of land situate in the Parish of Thanet, Land District of Kent being Lot 3 on Plan of Survey P169479 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 102105 Folio 1 of which Christopher Ronald Brett and Sharyn Lee Brett are the registered proprietors.

Location: Huon Highway - Glendevie

Municipal Area: Huon Valley (24-30-69)

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, TIMOTHY WILLIAM GRANT, Acting Valuer-General 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 11th day of June 2015.

TIM GRANT, Acting Valuer-General.
Department of Primary Industries,
Parks, Water and Environment,
134 Macquarie Street, Hobart

SCHEDULE

All that 2449m2 of land situate in the Parish of Thanet, Land District of Kent being Lot 6 on Plan of Survey P169479 in

the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 121795 Folio 1 of which Eric Allan Cripps and Lorraine Mary Morton are the registered proprietors.

Location: Huon Highway - Glendevie

Municipal Area: Huon Valley (24-30-70)

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, TIMOTHY WILLIAM GRANT, Acting Valuer-General 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 11th day of June 2015.

TIM GRANT, Acting Valuer-General.
Department of Primary Industries,
Parks, Water and Environment,
134 Macquarie Street, Hobart

SCHEDULE

All that 19.8m² of land situate in the Parish of Thanet, Land District of Kent being Lot 11 on Plan of Survey P169479 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 44353 Folio 1 of which Alfred Roger Griffiths and Colleen Sue Griffiths are the registered proprietors.

Location: Huon Highway - Glendevie

Municipal Area: Huon Valley (24-30-71)

Land Use Planning and Approvals

LAND USE PLANNING AND APPROVALS ACT 1993

Division 1A of Part 3 - Regional land use strategies and interim planning schemes

PLANNING PURPOSE NOTICE

Hobart Interim Planning Scheme 2015 and Brighton Interim Planning Scheme 2015

I, PETER CARL GUTWEIN, Minister for Planning and Local Government, hereby give notice that I have issued planning purposes notices that relate to the Brighton Interim Planning Scheme 2015 and the Hobart Interim Planning Scheme 2015, in accordance with section 30EA(2) of the *Land Use Planning and Approvals Act 1993* (the Act).

The planning purposes notices allow for various local provisions to override relevant common provisions in Planning Directive No. 1 – The Format and Structure of Planning Schemes, Planning Directive No. 4.1 – Standards for Residential Development in the General Residential Zone, and Planning Directive No. 5 – Bushfire-Prone Areas Code.

The planning purposes notices are appended to the Hobart Planning Scheme 2015 and the Brighton Planning Scheme 2015 respectively and can be viewed on www.iplan.tas.gov.au

Enquiries can be directed to the Tasmanian Planning Commission on (03) 6165 6828 or email enquiry@planning.tas.gov.au.

Dated this 17 day of June 2015

PETER CARL GUTWEIN,
Minister for Planning and Local Government.

Forest Practices



FOREST PRACTICES AUTHORITY

FOREST PRACTICES ACT 1985

NOTICE OF AMENDMENT OF THE FOREST PRACTICES CODE

(Section 33)

Pursuant to section 33 of the *Forest Practices Act 1985* the Forest Practices Authority (being a body established under section 4AA of the Act) hereby gives notice of the following amendments to the Forest Practices Code -

1. The addition of a guiding policy for the application of the Code; and
2. The updating of various references in the Code to organisations, documents and terminology.

The amendments to the Code are set forth in a document kept at the office of the Authority and available from the web site www.fpa.tas.gov.au.

The amendments shall take effect on 1 July 2015.

Copies of the amended Forest Practices Code will be available from the office of the Authority and from its website www.fpa.tas.gov.au as from 1 July 2015.

Professor Gordon Duff
Chair, Forest Practices Authority

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>Defamation Act 2005</i>	S. R. 2015, No. 36	<i>Defamation Order 2015</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) *Defamation Order 2015*

This order declares, for the purposes of section 35(1) of the *Defamation Act 2005*, \$367 500 to be the maximum amount of damages for non-economic loss that may be awarded from 1 July 2015 in defamation proceedings.

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

ROBYN WEBB,
Acting Chief Parliamentary Counsel.

PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION

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

TANIA RATTRAY, MLC, Chairperson.

Cities/Councils



SORELL COUNCIL
PUBLIC PLACES BY-LAW
BY-LAW 1 OF 2015
BY-LAW MADE UNDER SECTION 145
OF THE LOCAL GOVERNMENT ACT 1993
FOR THE PURPOSE OF
REGULATING MATTERS IN PUBLIC PLACES WITHIN THE MUNICIPAL AREA

PART 1 - PRELIMINARY

Short Title

1. This By-law may be cited as the *Public Places By-law 2015*.

Application

2. This By-law:
 - (a) applies to the Municipal Area;
 - (b) does not apply to a councillor or an employee of the Council or a contractor or agent of the Council where such person is carrying out authorised activities in or on any Council land or premises in the course of performing duties for and on behalf of Council; and
 - (c) does not apply to any Council land or premises which is the subject of a lease from the Council to any person or entity under Division 1 of Part 12 of the *Local Government Act 1993* (Tas).

Interpretation

3. In this By-law, the following terms have the following meanings:-

“Authorised Officer” means:

 - (a) the General Manager; or
 - (b) an employee of Council authorised by the General Manager for the purposes of this By-law’;

“Busking” means conducting a performance in a public place for the purpose of obtaining fee or reward;

“By-law” is a reference to this Public Places By-law No. 1 of 2015;

“Children's Playground” means any area in which children's play equipment is installed and extends for a distance of ten (10) metres in all directions from such play equipment;

“Council” means the Sorell Council (ABN 12 690 767 695);

“Food Business” has the meaning given to that term in section 6 of the *Food Act 2003* (Tas);

“General Manager” means:

- (a) the person holding the position of general manager of the Council as appointed by the Council from time to time pursuant to section 61 of the *Local Government Act 1993* (Tas); or
- (b) any employee of the Council to whom the General Manager has lawfully delegated, pursuant to section 64 of the *Local Government Act 1993* (Tas), authority to act with respect to the operation of this By-law;

“Hunting Equipment” has the meaning given to that term in section 3(1) of the *Nature Conservation Act 2002* (Tas);

“Liquor” has the meaning given to that term in section 3(1) of the *Police Offences Act 1935* (Tas);

“Manager Engineering & Regulatory Services” means the person holding the position of Manager Engineering & Regulatory Services with the Council;

“Municipal Area” means the area of land under the control of the Sorell Council and defined in accordance with section 16 of the *Local Government Act 1993* (Tas);

“Occupy” includes, without limitation, to reside or live in or use any area, space or location (including any caravan) for the purposes of entertainment, sleeping, resting, cooking, eating, conducting any commercial or retail activities or for any other similar use;

“Owner” means the registered proprietor of any land and includes, without limitation, an Occupier or any other person having the control and management of any land;

“Parking Area” means any area designated by Council for the parking of vehicles and includes all equipment, signs, access ways, fences and structures used in conjunction with or in any way connected with same;

“Parking Space” means any space within a Parking Area delineated by lines or other markings on the ground or indicated by any other method, of sufficient clear space to accommodate a vehicle;

“**penalty unit**” means the amount of money set under the *Penalty Units and Other Penalties Act 1987*

“**Permit**” means a statement in writing, with or without conditions, issued by an Authorised Officer which permits the carrying out of an activity regulated by this By-law, applications for which are made in accordance with Part 9 of this By-law;

“**Public Building**” means a structure or building owned, occupied by or under the control of the Council and includes the land upon which such building is situated;

“**Public Reserve**” means:

- (a) all reserves, beaches, coastal or river foreshore areas, rockeries, areas of bushland, footpaths, natural areas, planted embankments, nature strips, median strips, areas reserved by Council specifically for the parking of caravans or recreational vehicles, plantations, sports grounds, recreation grounds, swimming pools, parks or gardens, water storage areas (including but not limited to dams or ponds) which are owned by, or under the care, control and management of, the Council; and
- (b) all Public Buildings; and
- (c) all Parking Areas;

“**Road**” has the meaning given to that term in section 3(1) of the *Roads and Jetties Act 1935* (Tas);

“**Smoke**” means to:

- (a) smoke, hold or otherwise have control over an ignited cigarette, cigar or pipe; or
- (b) permit the release of smoke or fumes from a burning cigarette, cigar or pipe; and

“**Wildlife**” has the meaning given to that term in section 3(1) of the *Nature Conservation Act 2002* (Tas).

PART 2 – USE OF PUBLIC RESERVES

Closure of Public Reserve

4. (1) An Authorised Officer may close a Public Reserve or any part of a Public Reserve to members of the public.
- (2) A person must not enter upon or remain in:
- (a) a Public Reserve; or
 - (b) any part of a Public Reserve,
- that has been closed to members of the public without first obtaining a Permit to do so.

PENALTY: a fine not exceeding 5 penalty units

Hire of Public Reserves

5. (1) An Authorised Officer may grant a Permit for the letting or hiring of all or part of a Public Reserve to any person or entity.
- (2) An Authorised Officer may impose such terms and conditions upon a Permit issued pursuant to sub-clause 5(1) of this By-law as the Authorised Officer sees fit in all of the relevant circumstances.

Non-compliance with hire conditions

6. A person or entity must not fail to comply with the terms and conditions of a Permit issued pursuant to sub-clause 5(1) of this By-law.

PENALTY: a fine not exceeding 20 penalty units.

Sub-lease of Public Reserves

7. A person or entity who has leased or hired all or part of a Public Reserve must not sub-lease or re-let the relevant area without first obtaining a Permit to do so.

PENALTY: a fine not exceeding 20 penalty units.

Peaceable use of Public Reserves

8. Whilst in a Public Reserve, a person must not do or perform any act which unreasonably interferes with, or is likely to unreasonably interfere with, the lawful or peaceable use of the Public Reserve by any member of the public.

PENALTY: a fine not exceeding 10 penalty units.

Functions

9. Within a Public Reserve, a person must not conduct any public or private function, party or reception at which more than fifty (50) people are present unless the person has first obtained a Permit to do so.

PENALTY: a fine not exceeding 5 penalty units.

Creation of entrances to Public Reserves

10. (1) A person who owns or Occupies land adjoining a Public Reserve must not have or create an entrance from that land to the Public Reserve (an “**Entrance**”) unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

- (2) At any time, an Authorised Officer may direct in writing the owner or Occupier of any land to permanently close any unauthorised Entrance and may specify the method of closure.
- (3) Any person who receives a written direction under sub-clause 10(2) of this By-law must within two (2) weeks of receiving the direction close the Entrance and, if a method of closure is specified in the direction, comply with that method.

PENALTY: a fine not exceeding 10 penalty units.

- (4) The Council may carry out any and all works reasonably required to give effect to a direction issued under sub-clause 10(2) of this By-law in the event that:
- (a) the person to whom the direction is issued fails to comply within the stipulated time frame; or
- (b) the Entrance has not been closed using the method specified in the relevant direction,

and if Council takes such action clause 50 of this By-law will apply.

PART 3 – DISALLOWED ACTIVITIES

Erection of structures

11. (1) A person must not erect a building, booth or other structure in a Public Reserve unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

- (2) Council may remove any unauthorised building, booth or other structure and take any reasonable measure to return the Public Reserve to the condition it was in before the structure was erected.

Erection of signs

12. (1) A person must not erect or allow to be erected a sign, banner or billboard in a Public Reserve unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

- (2) An Authorised Officer may remove any unauthorised sign, banner or billboard erected on a Public Reserve and store and detain such unauthorised sign, banner or billboard in a secure location.

Dining in a Public Reserve

13. (1) In this clause 13, the term "**Outside Dining**" means the consumption of food or beverages from a Food Business by the customers of that business.

- (2) A person must not place, or cause, permit or allow to be placed, in a Public Reserve any furniture which encourages or facilitates, or may encourage or facilitate, Outside Dining to occur in a Public Reserve unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units and for a continuing offence 1 penalty unit per day

Conducting trade or commerce

14. Within a Public Reserve, a person must not offer for sale, lease or hire any goods or carry on any business involving the provision of services unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 5 penalty units.

Distribution of advertising materials

15. Within a Public Reserve a person must not distribute or arrange to be distributed any advertisement, book, card, notice, pamphlet, print, paper or placard unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 5 penalty units.

Busking, preaching, concerts and similar activities

16. Within a Public Reserve, a person must not engage in:

- (a) Busking; or
- (b) an assembly or concert; or
- (c) preaching; or
- (d) public speaking,

or any similar activity unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

Organised sports

17. Within a Public Reserve, a person must not conduct any organised sport (including training) or organised sporting contest unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 20 penalty units.

Other organised activities

18. Within a Public Reserve, a person must not conduct any organised amusement or entertainment for financial reward unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 20 penalty units.

Use of Children's Playground

19. (1) A person must not misuse or damage any Children's Playground equipment situated within a Public Reserve.

PENALTY: a fine not exceeding 5 penalty units.

- (2) Within a Public Reserve, a person must not:
- (a) consume Liquor; or
 - (b) Smoke,
- within ten (10) metres of any Children's Playground.

PENALTY: a fine not exceeding 5 penalty units.

Playing golf

20. Within a Public Reserve, a person must not play or practice golf or permit any person to play or practice golf except where signs or notice boards installed by Council permit such activity.

PENALTY: a fine not exceeding 5 penalty units.

Use of radios and loud speakers

21. Within a Public Reserve, a person must not use or operate any television, radio, loudspeaker, microphone, tape recorder, compact disc or other equipment used to amplify sound or play recorded music at volumes that interfere with, or are likely to interfere with, the peaceable use and enjoyment of the Public Reserve by other members of the public unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

Use of change rooms and public toilets

22. Within a Public Reserve, a person over the age of ten (10) years must not enter a change room or public toilet reserved for the use of people of the opposite sex except where such entry is for the sole purpose of assisting one or more people who are:
- (a) injured, being threatened or are otherwise in danger; or
 - (b) elderly, disabled, or under the age of ten (10) years.

PENALTY: a fine not exceeding 5 penalty units.

Collection of money

23. Within a Public Reserve, a person must not take up a collection of money unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 5 penalty units.

Camping

24. Within a Public Reserve, a person must not camp or set up a caravan or motorhome unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

Animals

25. (1) Subject to sub-clause 25(2), within a Public Reserve a person must not:
- (a) ride any Prescribed Animal; or
 - (b) permit any Prescribed Animal to walk, exercise, stray, forage or graze,
- unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 5 penalty units.

- (2) The activities prescribed in sub-clause 25(1) may be conducted:
- (a) on Roads, paths, tracks or other areas within Public Reserves that Council has specifically provided for such activities; or
 - (b) where signs or notice boards installed by Council indicate that such activities are permissible.
- (3) In this clause 25, the term "**Prescribed Animal**" means any live vertebrate animal other than:
- (a) a dog as defined by in section 3 of the *Dog Control Act 2000* (Tas); or
 - (b) native birds and animals.

Projectiles

26. Within a Public Reserve, a person must not use a slingshot, catapult, bow, or any other similar device unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 5 penalty units**Breaking of glass**

27. Within a Public Reserve, a person must not intentionally or willfully break any item comprised wholly or partly of glass.

PENALTY: a fine not exceeding 5 penalty units.**Abuse of an Authorised Officer**

28. A person must not threaten, intimidate, or use abusive language towards an Authorised Officer acting in the course of their employment in relation to or in connection with any matter relating to a Public Reserve including the enforcement of this By-law.

PENALTY: a fine not exceeding 5 penalty units.**Liquor free areas**

29. (1) For the purposes of this clause 29, all child care centres operated by the Council are "**Liquor Free Areas**".
- (2) Within a Liquor Free Area, a person must not:
- (a) have in their possession, custody or control any Liquor; or
 - (b) consume any Liquor;
- unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

PART 4 – DAMAGE TO PROPERTY

Damage to Council property

30. A person must not move, remove, disturb, tamper with, destroy or cause any damage to:

- (1) trees, shrubs, flowers or any other plants;
- (2) sod, turf, loam, sand, gravel, stone or any similar materials;
- (3) pipes, taps, sprinklers, hoses, fountains (both decorative and drinking), ponds, or other infrastructure concerned with the storage and/or reticulation of water; or
- (4) any other item of Council property installed or otherwise located within a Public Reserve.

PENALTY: a fine not exceeding 10 penalty units.

Damage to items of architectural, archaeological, &c., interest

31. Within a Public Reserve, a person must not remove, damage, deface or disturb any object of architectural, archaeological, historical or scientific significance or interest unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

Protection of Wildlife

32. Within a Public Reserve, a person must not:

- (1) take or have in his or her possession, control or custody any Wildlife or the products of Wildlife;
- (2) interfere with the nest, breeding place or habitation or any Wildlife; or
- (3) intentionally rouse or disturb any Wildlife,

unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 20 penalty units.

Hunting equipment

33. Within a Public Reserve, a person must not:

- (1) use or have in his or her possession any Hunting Equipment;
- (2) lay or set any trap or snare; or
- (3) deposit any poisonous or chemical substance,

unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 20 penalty units.

Lighting fire

34. Within a Public Reserve, a person must not light a fire other than within a fireplace or other designated location provided by Council for such use by the public, unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

Graffiti

35. Within a Public Reserve, a person must not mark, draw on, write on or in any other way deface Council property unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

Removal of wood

36. A person must not collect or remove any wood or timber from a Public Reserve unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 10 penalty units.

PART 5 - VEHICLES

Parking of vehicles

37. (1) Within a Public Reserve, a person must not park a vehicle:
- (a) in an area that is not a Parking Area;
 - (b) otherwise than as directed by an Authorised Officer or by signs and notice boards erected by Council; or
 - (c) in a position where it obstructs the entry or exit of any vehicle to any Parking Space or any Parking Area.

PENALTY: a fine not exceeding 1.5 penalty units

- (2) An Authorised Officer may remove, or arrange for the removal of, any vehicle found in breach of sub-clause 37(1) and store and detain such vehicle in a secure location.

Driving of vehicles

38. A person must not drive a vehicle within a Public Reserve,
- (1) except on a Road, path, or track provided for that purpose; or
 - (2) at a speed greater than twenty (20) kilometres per hour or at any speed that is unsafe in all of the circumstances.

PENALTY: a fine not exceeding 5 penalty units.

Parking when Public Reserve is closed

39. (1) An Authorised Officer may close a Public Reserve in whole or in part to vehicular traffic.
- (2) When a Public Reserve is closed to vehicular traffic a person must not:
- (a) enter the relevant Public Reserve with a vehicle; or
 - (b) fail to remove their vehicle, or any vehicle driven upon the Public Reserve by them, from the Public Reserve when requested to do so by an Authorised Officer.

PENALTY: a fine not exceeding 5 penalty units.

Entry and exit of Parking Area

40. A person driving a vehicle in a Public Reserve must not enter or leave a Parking Area except by an appropriately marked access or egress point.

PENALTY: a fine not exceeding 1.5 penalty units.

Reserved Parking Spaces

41. (1) An Authorised Officer may specify:
- (a) the location of reserved Parking Areas and reserved Parking Spaces; and
 - (b) the conditions that apply to the use of reserved Parking Areas and reserved Parking Spaces.
- (2) A person must not park or leave a vehicle in a Parking Space or Parking Area which is designated by the General Manager to be "Reserved" unless the vehicle displays a Permit issued by an Authorised Officer which entitles the holder of that Permit to park in a "Reserved" area.

PENALTY: a fine not exceeding 3 penalty units.

- (3) An Authorised Officer may remove, or arrange for the removal of, any vehicle found in breach of sub-clause 41(2) and store and detain such vehicle in a secure location.

Washing, dismantling and/or repairing vehicles

42. (1) Subject to sub-clause 42(2), within a Public Reserve a person must not dismantle, paint, wash, sweep out, service or repair any vehicle unless the person has sought and obtained a Permit to do so.

PENALTY: a fine not exceeding 5 penalty units.

- (2) Sub-clause 42(1) does not apply to any activity which is reasonably necessary to enable any vehicle to move from, or to be removed from, a Public Reserve.

Non-derogation

43. This Part 5 does not detract from or otherwise affect the operation of Part VII of the *Local Government (Highways) Act 1993* (Tas).

PART 6 – MISCELLANEOUS

Commission of offence

44. Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and liable on conviction to the penalty set out in the relevant part of this By-law.

Powers of Authorised Officers

45. For the purposes of this By-law, Authorised Officers are authorised to:
- (a) remove any person from a Public Reserve whom they reasonably believe is offending against this By-law; and
 - (b) remove anything which is on a Public Reserve without the approval of the Council.

Powers of Police Officers

46. For the purposes of this By-law, police officers are authorised to:
- (a) assist any Authorised Officer to carry out an action specified in clause 45;
 - (b) remove any person from a Public Reserve whom they reasonably believe is offending against this By-law;
 - (c) remove anything which is on a Public Reserve without the approval of the Council; and
 - (d) arrest a person who is on a Public Reserve and whom the police officer reasonably believes is offending against this By-law.

Regulation of activities

47. (1) An Authorised Officer may give reasonable directions to any person using, playing or engaging in any game, sport or other activity within a Public Reserve which regulates the manner in which the activity is conducted with the aim of avoiding inconvenience or risk of danger to any other lawful users of the Public Reserve.
- (2) A person must not fail to comply with a reasonable direction given by an Authorised Officer under sub-clause 47(1).

PENALTY: a fine not exceeding 2 penalty units.

Supply of name and address

48. If an Authorised Officer reasonably believes that a person is offending or has offended against a provision of this By-law, the Authorised Officer may request that the person give the Authorised Officer the person's name and address. A person must not:
- (a) fail to comply with a request made by an Authorised Officer pursuant to this clause 48; or
 - (b) knowingly provide false information to an Authorised Officer in response to a request made pursuant to this clause 48.

PENALTY: a fine not exceeding 5 penalty units

PART 7 – RECTIFICATION NOTICE & COSTS RECOVERY

Rectification notices

49. (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 given under sub-clause 49(1):
- (a) is to be in writing, signed by an Authorised Officer; and
 - (b) is to be given to the person who contravened this By-law; and
 - (c) is to identify the relevant 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 such other person who has appropriate qualifications.
- (3) A person must not fail to comply with a notice given pursuant to sub-clause 49(1).

PENALTY: a fine not exceeding 10 penalty units

- (4) The Council may perform, or arrange for the performance of, any work or other matter required by a notice given under sub-clause 49(1) if such notice is not complied with within any timeframe stipulated in the notice or, where no timeframe is stipulated, upon the expiration of a reasonable period of time.

Recovery of Council's expenses

50. (1) All expenses reasonably incurred by the Council as a consequence of any failure to comply with, or any contravention of, this By-law are recoverable by the Council as a debt payable by the person whose act or omission constituted the failure or contravention.

- (2) A debt accrued pursuant to sub-clause 50(1) is recoverable by Council in a court of competent jurisdiction in addition to any penalty imposed in relation to a failure to comply with, or any contravention of, this By-law.

Removed articles

51. Council may retain any article removed from land by Council pursuant to a power contained in this By-law until such time as all fees, costs and charges pertaining to the removal, maintenance and storage of the article have been paid in full.

Dealing with removed articles

52. If a removed article is not claimed by the owner (or a person acting on the owner's behalf) within forty eight (48) hours following its removal pursuant to this By-law, the General Manager is to give notice in writing to the owner (if ascertainable) of the article containing the following particulars:
- (a) a description of the article;
 - (b) the location from which the article was removed;
 - (c) the date of removal;
 - (d) the location from which the article can be claimed;
 - (e) the fees, costs and charges payable in respect of the removal, maintenance and storage of the article; and
 - (f) that if the article is not claimed within fourteen (14) days of the issue of the notice that the article may be disposed of by Council.
53. If the owner of a removed article cannot be ascertained or found after making reasonable enquiries, and the General Manager is of the opinion that the value of the article is such that it warrants the costs of advertising, the General Manager is to publish on at least one (1) occasion a notice containing the particulars specified in clause 52 in a local newspaper circulating within the Municipal Area.

Disposal of unclaimed articles

54. Council may dispose of any removed article if:
- (a) the article is not claimed within fourteen (14) days of the issue of the notice referred to in clause 52; or

- (b) the fees, costs and charges payable in respect of the removal and storage of the article have not been paid within fourteen (14) days of the issue of the notice referred to in clause 52; or
 - (c) where the owner is not ascertainable and has not come forward in response to the public advertisement, fourteen (14) days have elapsed from the date of the publication of the public advertisement in accordance with clause 53.
55. A removed article may be disposed of under clause 54:
- (a) by tender or public auction following notification in a local newspaper circulating within the Municipal Area; or
 - (b) in such manner as the General Manager sees fit if:
 - (i) no tender is received or no bids are made at a public auction; or
 - (ii) the General Manager is of the opinion (reasonably held) that the article is of such low value that it does not warrant the costs of a tender or public auction.
56. If a removed article is disposed of under clause 55, the General Manager must notify the owner of the article as soon as practicable if the owner can be ascertained or found after making reasonable enquiries. If the owner of the article so requests, then the proceeds obtained from the disposal of the article must be paid to the owner, less any fees that are due to Council, advertising costs, and any other costs incurred by the Council in the removal, storage, maintenance and disposal of the article.

PART 8 – INFRINGEMENT NOTICES

57. (1) In this clause 57:
- (a) the term “**Specified Offence**” means an offence against the clause of this By-law specified in Column 1 of Schedule 1 to this By-law;
 - (b) the term “**Infringement Notice**” means a notice which:
 - (i) is authorised under this Bylaw;
 - (ii) sets out the particulars of an alleged Specified Offence; and
 - (iii) gives an alleged offender the option of paying the penalty set out in the notice or having the matter dealt with in court.
- (2) An Authorised Officer may:
- (a) issue an Infringement Notice to any person that the Authorised Officer has reason to believe is guilty of a Specified Offence;
 - (b) issue one (1) Infringement Notice in respect of more than one Specified Offence; and
 - (c) impose a monetary penalty for the Specified Offence in respect of which the Infringement Notice is issued.
- (3) The penalties listed in Column 3 of Schedule 1 to this By-law are the prescribed penalties for the Specified Offences listed in Column 1 of that Schedule to which they respectively relate.
- (4) Payment of a monetary penalty must be made to the General Manager within twenty eight (28) days of the issue of the Infringement Notice to avoid the Infringement Notice being referred to the Director, Monetary Penalties Enforcement Service.
- (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 duly served by affixing the Infringement Notice to that vehicle.
- (6) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to all Infringement Notices issued pursuant to this By-law.
- (7) All monies payable to the Council under this By-law are a debt due to the Council and recoverable at law in a court of competent jurisdiction.

PART 9 – PERMITS

Applications for Permits

58. All applications for Permits to conduct activities regulated by this By-law must be lodged with the General Manager and accompanied by the following:
- (a) a statement in writing of the type and nature of the activity proposed to be undertaken by the applicant;
 - (b) a scaled drawing showing the location and extent of the proposed activity; and
 - (c) a safety management plan or a description of any necessary safety measures that are appropriate for the proposed activity.

Additional information

59. Upon receipt of an application for a Permit, an Authorised Officer or Council may request such other or additional information as the Authorised Officer or Council deems to be necessary in order to conduct a full and proper assessment of the application.

Matters taken into account

60. In deciding whether or not to grant a Permit, Council will have regard to the following matters (as applicable):
- (a) the potential for damage to Council infrastructure or land;
 - (b) public nuisance, amenity and safety;
 - (c) public access in the area;
 - (d) the maintenance of peace and good order;
 - (e) the movement of traffic in an area;
 - (f) the manner of any proposed advertising;
 - (g) the nature, size, shape extent and location of any proposed road furniture;
 - (h) the availability of suitable parking for motor vehicles in the area;

- (i) representations made by any police officer;
- (j) disturbance of existing business or commercial activities; and
- (k) any other matters that are relevant to the application.

Conditions of a Permit

61. A Permit issued under this By-law may be subject to such terms and conditions as an Authorised Officer or Council considers appropriate in all of the circumstances.

Compliance with terms and conditions

62. The holder of a Permit must comply with the terms and conditions of that Permit.

PENALTY: 10 Penalty Units

Form of Permit

63. Every Permit issued under this By-law is to:
- (a) be in writing;
 - (b) bear the date on which it was granted;
 - (c) bear the name of the person or entity to which it is issued; and
 - (d) include all terms and conditions imposed by an Authorised Officer or Council.

Duration of Permit

64. All Permits will, unless otherwise specified in the Permit:
- (a) commence on the date of issue; and
 - (b) expire automatically at the conclusion of a specified period, or earlier if cancelled or suspended pursuant to clause 65 of this By-law.

Cancellation and suspension of Permits

65. The General Manager may suspend or cancel any Permit in the event that any term or condition of the relevant Permit is not complied with. In the event that the General Manager suspends or cancels a Permit, the General Manager must notify the Permit holder of the cancellation or suspension and provide written reasons for taking such action.

66. The cancellation or suspension of a Permit takes effect from the date of receipt of notice (oral or written) of suspension or termination (respectively) by the Permit holder.
67. When a Permit is suspended in accordance with clause 65:
- (a) the activity authorised by the Permit cannot be carried out during the period of suspension; and
 - (b) the period of suspension will end upon the General Manager being satisfied that the suspension is no longer required and notifying the Permit holder of same.
68. The General Manager may cancel a suspended Permit at any time during the period of suspension. In the event that the General Manager cancels a suspended Permit, the General Manager must notify the Permit holder of the cancellation and provide written reasons for taking such action.

Assignment of Permits

69. A Permit must not be assigned, novated or in any other way transferred to any other person or entity except with the written consent of an Authorised Officer or Council.

SCHEDULE 1
Public Places By-law No. 1 of 2015

INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY UNITS
4(2)	Enter or remain in a closed Public Reserve	1.25
6	Non-compliance with hire conditions	5
7	Sub-lease of Public Reserve	5
8	Interfere with peaceable use of a Public Reserve	2.5
9	Conducting functions	1.25
10(1)	Creation of entrance to Public Reserves	2.5
10(3)	Failure to close entrance to Public Reserve	2.5
11(1)	Erecting structures	2.5
12(1)	Erecting signs	2.5
13(2)	Placing furniture in a Public Reserve without a Permit	2.5 plus 1 per day
14	Sale of items	1.25
15	Distribution of advertisement	1.25
16	Busking, preaching, concerts and similar activities	2.5
17	Organised sport	5
18	Other organised activities	5
19(1)	Misuse or damage of Children's Playground	1.25
19(2)	Smoking or consuming Liquor near Children's Playground	1.25
20	Playing golf	1.25
21	Use of radio and loudspeakers	2.5
22	Use of change rooms and public toilets	1.25
23	Collection of money	1.25
24	Camping in Public Reserve	2.5
25(1)	Animals in Public Reserves	1.25

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY UNITS
26	Projectiles	1.25
27	Willfully breaking a glass item	1.25
28	Abusing Authorised Officers	1.25
29(2)	Possess or consume Liquor in Liquor free area	2.5
30	Damaging, taking, &c., Council property	2.5
31	Damage to items of architectural, archaeological, &c., interest	2.5
32	Protection of Wildlife	5
33	Hunting Equipment	5
34	Lighting fire	2.5
35	Graffiti	2.5
36	Removal of wood	2.5
37 (1)	Parking of vehicles	0.5
38	Driving of vehicles	1.25
39(2)	Parking when Public Reserve closed	1.25
40	Entry and exit of Parking Area	0.5
41(2)	Parking in reserved Parking Space	1
42(1)	Washing, dismantling and/or repair of vehicles	1.25
47(2)	Regulation of activities	0.5
48	Failure to supply correct name and address	1.25
49(3)	Failure to comply with rectification notice	2.5
62	Failure to comply with Permit	2.5

Certified as being in accordance with the law by:

John Kirkwood, Abetz Curtis, Australian Legal Practitioner

Dated this 2nd day of June, 2015 at Hobart.

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

.....
General Manager

Dated this 4th day of June, 2015 at Hobart

The Common Seal of the Sorell Council was hereunto affixed in the presence of:

.....) Mayor.

.....) Deputy Mayor.

.....) General Manager

(Seal)



Confirmed by me this 4th day of June, 2015 at Hobart.



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