



# TASMANIAN GOVERNMENT GAZETTE

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## CONTENTS

<i>Notice</i>	<i>Page</i>
Aboriginal and Torres Strait Islander Heritage Protection .....	546
Administration and Probate .....	540
Land Use Planning and Approvals .....	541
Local Government .....	547
Notices to Creditors .....	539
Professional Standards .....	542
Staff Movements .....	564
Water Management .....	541

## Notices to Creditors

DEREK HENRY MAXWELL late of 19 Davis Street, Beechford in the State of Tasmania, deceased.

Creditors, next of kin and others having claims in respect of the property or estate of the deceased DEREK HENRY MAXWELL who died on the 15th day of June 2020 are required by the Executors, SANDRA MARGARET MAXWELL and CAROLINE FRANCES JEAN MAXWELL of C/- Douglas & Collins, 9-13 George Street, Launceston in the State of Tasmania, to send particulars to the said Executors and to the Registrar of the Supreme Court, G.P.O. Box 167, Hobart in the State of Tasmania by the 23rd day of July 2021, after which date the Executors may distribute the assets of the deceased, having regard only to the claims of which the Executors then have notice.

Dated this twenty-third day of June 2021.

DOUGLAS & COLLINS, Lawyers

JACK WILKINS PAINTING late of Fred French Nursing Home, 9 Amy Road Newstead in Tasmania, Retired Forklift Driver, Widowed, Deceased.

Creditors, next of kin and others having claims in respect of the property or estate of the deceased, JACK WILKINS PAINTING who died on 11th day of March 2021, are required by the Executor, TPT WEALTH LTD of Level 2 137 Harrington Street, Hobart in Tasmania, to send particulars to the said Company by the 23rd day of July 2021, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this twenty-third day of June 2021.

FIONA BAKER, Trust Administrator

HAROLD PICKUP late of 7 Far View Avenue, Riverside in Tasmania, Retired Teacher/ Minister, Married, Deceased.

Creditors, next of kin and others having claims in respect of the property or estate of the deceased, HAROLD PICKUP who died on 24th day of May 2014, are required by the Administrator, TPT WEALTH LTD of Level 2 137 Harrington Street, Hobart in Tasmania, to send particulars to the said Company by the 23rd day of July 2021, after which date the Administrator may distribute the assets, having regard only to the claims of which it then has notice.

Dated this twenty-third day of June 2021.

JON ELLINGS, Manager Trustees

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CHRISTOPHER DARREN DODD late of 1090 Back Line Road, Wiltshire in Tasmania, Factory Hand, Truck Driver, Separated, Deceased.

Creditors, next of kin and others having claims in respect of the property or estate of the deceased, CHRISTOPHER DARREN DODD who died on 14th day of February 2021, are required by the Executor, TPT WEALTH LTD of Level 2 137 Harrington Street, Hobart in Tasmania, to send particulars to the said Company by the 23rd day of July 2021, after which date the Executor may distribute the assets, having regard only to the claims of which it then has notice.

Dated this twenty-third day of June 2021.

JILL DEZOETE, Trust Administrator

Estate of Clem Patrick George Matters  
Late of 4 Myrica Street, Primrose Sands

DANIEL CHARLES STEWART, as personal representative of the estate, gives notice in accordance with section 25A of the *Trustee Act 1898*, that he intends to distribute the property subject to the estate among the persons entitled to the estate, he requires any person interested in the estate to send to him, c/- Tierney Law, 8/16 Main Street Huonville, on or before 24 July 2021, particulars of any claim in respect of the estate. He may, at any time after that date, distribute the estate, having regard only to the claims of persons of which he has notice and without being liable for the estate so distributed to any person of whose claim he had no notice at the time of distribution.

Dated this twenty-third day of June 2021.

TIERNEY LAW, Solicitors for the Executor

MARGARET ANN OLDMEADOW late of Queenborough Rise, 3 Peel Street, Sandy Bay in Tasmania, Artist / Divorced died on 8 January 2021.

Creditors, next of kin and others having claims in respect of the property of the abovenamed deceased, are required by the Executors, ROBERT JOHN RIVERS OLDMEADOW and DAVID FENN RIVERS OLDMEADOW, C/- Tremayne Fay Rheinberger Lawyers, 119 Macquarie Street, Hobart in Tasmania to send particulars of their claim in writing to the Registrar of the Supreme Court of Tasmania by 26 July 2021, after which date the Executor may distribute the assets, having regard only to the claims of which they then have notice.

Dated this twenty-third day of June 2021.

TREMAINE FAY RHEINBERGER LAWYERS  
Solicitors for the Estate

MAXWELL ANAK BOWERMAN late of 2800 Lyell Highway, Hayes in Tasmania, deceased, who died on 21 December 2020.

Creditors, next of kin and others having claims in respect of the property or estate of the abovenamed deceased are required by the Executors DEBORAH KAY BROWNING and MAXWELL ROY BOWERMAN C/- Butler McIntyre & Butler, 20 Murray Street, Hobart Tas 7000 to send particulars of their claim to the Registrar of the Supreme Court of Tasmania, Salamanca Place, Hobart Tas 7000 in writing on or before 23 July 2021 after which date the Executors may distribute the assets, having regard only to the claims of which the Executors then have notice.

Dated this twenty-third day of June 2021.

BUTLER MCINTYRE & BUTLER, Solicitors for the Estate

## Administration and Probate

### Administration and Probate Act 1935

#### *Notice for Claims*

In the Estate of DOROTHY REBECCA REED late of 30 Pronards Road, Winkleigh in Tasmania, who died on 5 December 2020 at 140 Stokes Road, Bridgenorth in Tasmania.

NOTICE is hereby given that all creditors, next of kin and other persons having claims in respect of the property or the Estate of the abovenamed deceased, are required by the Executors DONNA MAY LACK of 140 Stokes Road, Bridgenorth in Tasmania and NEVIL LEO REED of 338 Four Springs Road, Selbourne in Tasmania to send particulars in writing to The Registrar, Probate Registry, Supreme Court of Tasmania, Salamanca Place, Hobart in Tasmania on or before 23 July 2021, after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this twenty-third day of June 2021.

ARCHER BUSHBY, Solicitors for the Estate

### Administration and Probate Act 1935

#### *Notices to Creditors*

FREDERICK CHARLES HARRIS late of 11 Gaffney Street, Ulverstone in Tasmania, widowed, pensioner, deceased;

Creditors, next of kin and others having claims in respect of the property or Estate of the deceased FREDERICK CHARLES HARRIS who died on 14 January 2021 at Mersey Community Hospital, Latrobe in Tasmania are required by the Personal Representatives, RICKY CHARLES HARRIS of 5 Elizabeth Street, Penguin in Tasmania and SHAREE MARION OCKERBY of 7 William Street, Ulverstone in Tasmania to send particulars of such claim to the Registrar Supreme Court of Tasmania at Salamanca Place Hobart in Tasmania by 26 July 2021, after which date the Personal Representatives may distribute the assets having regard only to the claims of which the Personal Representatives then have notice.

Dated this twenty-third day of June 2021.

WALSH DAY JAMES MIHAL  
Practitioners for the Personal Representatives

## Water Management

### WATER MANAGEMENT ACT 1999

#### *Section 11 Exemption Order*

#### TEMPORARY CHANGE TO HYDRO TASMANIA'S ENVIRONMENTAL RELEASE CONDITIONS FROM LAKE PARANGANA INTO THE MERSEY RIVER

I, GUY BARNETT, being and as the Minister for Primary Industries and Water and the Minister administering the *Water Management Act 1999* ("the Act"), acting pursuant to section 11 (4)(a) of the Act hereby revoke the exemption order granted on 28 October 2020 and, I hereby exempt the Hydro-Electric Corporation from the application of sections 116(3) and 123 of the Act in so far as they relate to compliance with clauses (a) and (c) in Schedule 3 of the Agreement for Special Licence Conditions between the Hydro-Electric Corporation and said Minister, dated 30 August 2018 and section 3.6 (Environmental flow release from Lake Parangana) of the *Mersey Water Management Plan (July 2005)*.

This exemption is subject to the following conditions:

- (a) Hydro Tasmania will release water from Lake Parangana that is no less than 160 ML/day.
- (b) Hydro Tasmania will be required to:
  - (i) maintain records that demonstrate the quantity of water released from Lake Parangana and provide them to DPIPWE in the manner specified by the Minister; and
  - (ii) provide instantaneous flow records measured at Hydro Tasmania's Mersey River at Liena stream flow gauging station to DPIPWE to allow for management of flows in the catchment over the trial period.
- (c) In the event of:
  - (i) a forced outage of the mini-hydro power station; or
  - (ii) planned maintenance on either the mini-hydro power station, the electricity transmission line connected to the mini-hydro power station, or any associated works;

that will effect downstream flows, the Licensee shall notify the Secretary (or his or her nominee) at the earliest opportunity.

This exemption ceases to be in force until the earlier of:

- (a) the time of the adoption of the draft reviewed Mersey Water Management Plan and an amendment is made to clause (a) in Schedule 3 of the Agreement for Special Licence Conditions between the Hydro-Electric Corporation and the Minister administering the *Water Management Act, 1999*, dated 30 August 2018; or
- (b) 1 May 2024.

Dated this fifteenth day of June 2021.

GUY BARNETT MP  
Minister for Primary Industries and Water

#### *Information*

The purpose of this Order is to exempt Hydro Tasmania from a requirement in the Mersey Water Management Plan and clause (a) in Schedule 3 of its Special Water Licence Agreement to provide water from Lake Parangana so that the flow as measured in the Mersey River at Liena gauging station will exceed the lesser of either: 173 ML/day; or 8.25 times the flow measured at the Arm River above Mersey gauging station. It also exempts Hydro

Tasmania from the requirement in clause (c) in Schedule 3 of its Special Water Licence Agreement regarding their reporting obligations for any force outages of the Parangana mini-hydro power station. The exemption is subject to conditions that are specified in the Exemption Order. The exemption is necessary to enable Hydro Tasmania and DPIPWE to trial a new flow release and determine if there is any financial, social or environmental risk associated with the proposed change to stakeholders in the Mersey River catchment.

### WATER MANAGEMENT ACT 1999

#### Report on the Draft Great Forester River Catchment Water Management Plan (October 2020)

The Tasmanian Planning Commission gives notice under section 27A of the *Water Management Act 1999* that its report on the review of the representations to the Draft Great Forester River Catchment Water Management Plan (October 2020) and the Secretary's report regarding that draft plan has been provided to the Minister for Primary Industries and Water.

Copies of the report are available for inspection at the Commission's office, Level 3, 144 Macquarie Street, Hobart.

The report is also available on the Commission's website: [www.planning.tas.gov.au](http://www.planning.tas.gov.au)

Enquiries can be directed to the Commission on (03) 6165 6828 or email [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au).

Dated this Wednesday twenty-third day of June 2021.

PETER FISCHER, Acting Executive Commissioner

## Land Use Planning and Approvals

### LAND USE PLANNING AND APPROVALS ACT 1993

#### *Section 5A – Regional areas and regional land use strategies*

#### Declaration of amended Northern Tasmania Regional Land Use Strategy

I, ROGER CHARLES JAENSCH, Minister for Local Government and Planning, pursuant to section 5A(3) of the *Land Use Planning and Approvals Act 1993* (the Act), hereby give notice that I have declared an amended regional land use strategy for the Northern ("North") regional area, that regional area being specified pursuant to section 30C(1) of the former provisions of the Act in the notice of 25 October 2011.

The amended Northern Tasmania Regional Land Use Strategy comes into effect on 23 June 2021 and may be viewed and/or downloaded from the Department of Justice's Tasmanian planning reform website:– [www.planningreform.tas.gov.au](http://www.planningreform.tas.gov.au)

Enquiries can be directed to the Planning Policy Unit of the Department of Justice on (03) 6166 1429 or email to [planning.unit@justice.tas.gov.au](mailto:planning.unit@justice.tas.gov.au).

Dated this twenty-third day of June 2021.

ROGER CHARLES JAENSCH  
Minister for Local Government and Planning

## Professional Standards

*Professional Standards Act 2003 (Vic)*

### THE AUSTRALIAN PROPERTY INSTITUTE VALUERS LIMITED PROFESSIONAL STANDARDS SCHEME

#### PREAMBLE

- A. The Australian Property Institute Valuers Limited (APIV) is an occupational association.
- B. The APIV has made an application to the Professional Standards Council (PSC), established by the Professional Standards Act 2003 (Vic) (the Act), for approval of a scheme under the Act.
- C. The Scheme is prepared by the APIV for the purposes of limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- D. The APIV has furnished the PSC with a detailed list of the risk management strategies, currently in place and intended to be implemented, in respect of its Members and the means by which those strategies are intended to be implemented.
- E. The APIV has furnished the PSC with APIV Insurance Standards with which Participating Members must comply for purposes of this Scheme.
- F. The Scheme is intended to remain in force for five (5) years from its commencement unless, prior to that time, it is revoked, its operation ceases, or it is extended pursuant to Section 34 of the Act.
- G. The Scheme is intended to operate in Victoria. This Scheme is also intended to operate in the Australian Capital Territory, New South Wales, the Northern Territory of Australia, Queensland, South Australia, Tasmania and Western Australia by way of mutual recognition under the Professional Standards Legislation.
- H. Section 12GNA(2) of *Australian Securities and Investments Commission Act 2001* (Cth); section 137(2) of *Competition and Consumer Act 2010* (Cth); and section 1044B(2) of *Corporations Act 2001* (Cth) provide for limited liability where a professional standards scheme is prescribed in the relevant regulation. The Scheme does not apply to limit any liability under a Commonwealth law unless it has been prescribed by the Commonwealth.

### THE AUSTRALIAN PROPERTY INSTITUTE VALUERS LIMITED PROFESSIONAL STANDARDS SCHEME

#### 1. Occupational association

- 1.1. The Scheme is a scheme under the Act prepared by the APIV whose registered address is:  

Level 3, 60-62 York Street  
Sydney NSW 2000
- 1.2. The Scheme is intended to operate in Victoria, the Australian Capital Territory, New South Wales, the Northern Territory, Queensland, South Australia, Tasmania and Western Australia.
- 1.3. The Scheme is intended to limit Occupational Liability by insurance arrangements pursuant to Section 23 of the Act. The relevant insurance arrangements are the APIV Insurance Standards.

#### 2. Persons to Whom the Scheme Applies<sup>i</sup>

- 2.1. The Scheme applies to:
  - 2.1.1. all Members who are natural persons and who hold the API certification of Certified Practising Valuer, Certified Practising Valuer (Plant & Machinery) or Residential Property Valuer; and

2.1.2. all Corporate Members.

- 2.2. This Scheme also applies to all persons who were Participating Members at the time of any act or omission giving rise to Occupational Liability.<sup>ii</sup>
- 2.3. The APIV may, on application by a person referred to in clause 2.1, exempt that person from the Scheme from the date on which the exemption is granted or a later date specified in the exemption. This clause does not apply to a person to whom the Scheme applies by operation of Sections 20, 21 or 22 of the Act.
- 2.4. All Participating Members are required to hold or have the benefit of a Professional Indemnity Insurance Policy against Occupational Liability that complies with the APIV Insurance Standards and the insurance requirements set out in Clause 3.2, unless exempted by the APIV.

#### 3. Limitation of Liability

- 3.1. This Scheme only affects the liability for Damages arising from a single cause of action to the extent to which the liability results in Damages exceeding \$1,000,000.
- 3.2. If a person, who or which was, at the time of the act or omission giving rise to Occupational Liability, a Participating Member and against whom a proceeding relating to Occupational Liability is brought, is able to satisfy the court that:
  - 3.2.1. the person has the benefit of an insurance policy insuring such person against the Occupational Liability to which the cause of action relates, and
  - 3.2.2. under which the amount payable in respect of that Occupational Liability is not less than the Monetary Ceiling relating to the class of person and the kind of Occupational Services to which the cause of action relates, that person is not liable in Damages in relation to that cause of action above the Monetary Ceiling specified in this Scheme.

<sup>i</sup> Sections 20 and 21 of the Act provide that if the scheme applies to a body corporate, the scheme also applies to each officer of the body corporate and if the scheme applies to a person, the scheme also applies to each partner of the person, and if the scheme applies to a person the scheme also applies to each employee of the person, provided that if such officer of the corporation or partner of the person or employee of the person is entitled to be a member of the same occupational association, such officer, partner or employee is a member of the occupational association. Section 22 provides that the scheme may also apply to other persons as specified in that section.

<sup>ii</sup> For the purposes of the operation of the Scheme in Victoria, "Occupational Liability" has the same meaning as it has in the Act and excludes any liability which may not from time to time be limited pursuant to the Act. Similarly, for the purposes of the operation of the Scheme in other jurisdictions in which it applies, "Occupational Liability" has the same meaning as it has in the corresponding legislation of those jurisdictions and excludes any liability which may not from time to time be limited pursuant to that legislation.

Occupational liability is defined in s4(1) of the Act to mean 'civil liability arising (in tort, contract or otherwise) directly or vicariously from anything done or omitted to be done by a member of an occupational association acting in the performance of his or her occupation'. However, s5(1) of the Act provides that the Act does not apply to liability for damages arising from the death of or personal injury to a person, abreach of trust or fraud or dishonesty. [Note: All jurisdictions other than NSW and WA exclude a lawyer acting in a personal injury matter.] Section 5(2) of the Act also provides that the Act does not apply to liability which may be the subject of proceedings under Section 110 of the Transfer of Land Act (Vic).



- 3.3. For the purposes of the Scheme, an insurance policy must be a policy of a kind which complies with the APIV Insurance Standards.
- 3.4. The Monetary Ceiling (maximum amount of liability) for the purpose of limitation of liability under this Scheme is to be determined according to the following table:

Category	Assessed Value ("AV")	Monetary Ceiling
<b>Category 1 Services</b> Real Property Valuation Services	\$0 to \$3,500,000	\$1,000,000 (fixed)
	\$3,500,001 to \$7,500,000	AV x 33%
	\$7,500,001 to \$100,000,000	\$2,000,000 + (AV x 7.5%)
	\$100,000,001 or greater	\$10,000,000 (fixed)
Category	Category Description	Monetary Ceiling
<b>Category 2 Services</b>	Low Risk Valuation Services	\$1,000,000 (fixed)
<b>Category 3 Services</b>	Plant & Machinery Valuations	\$1,000,000 (fixed)
<b>Category 4 Services</b>	Other Occupational Services	\$1,000,000 (fixed)

- 3.5. For the avoidance of doubt, the applicable limitation of liability in respect of a Claim is the Monetary Ceiling as in force at the time at which the act or omission giving rise to the cause of action concerned occurred.
- 3.6. Where a person, who at the time of the acts or omissions referred to in clauses 3.6.1 and 3.6.2 was a Participating Member, incurs an Occupational Liability as a result of:
- 3.6.1. an act or omission by that person in the performance of Category 1 Services; and
- 3.6.2. an act or omission by that person in the performance of:
- Category 2 Services;
  - Category 3 Services;
  - Category 4 Services; or
  - any combination of Category 2 Services, Category 3 Services and/or Category 4 Services;
- such person's Occupational Liability under this Scheme for Damages in excess of the amount specified in clause 3.1 will be determined in accordance with those provisions of the Scheme relating to Category 1 Services only, as set out in the table at clause 3.3.
- 3.7. Clause 3.2 only affects liability for Damages arising from a single cause of action to the extent to which the liability in Damages exceeds such amount as is specified in Clause 3.1.
- 3.8. This Scheme limits the Occupational Liability in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force of any person to whom the Scheme applied at the time the act or omission occurred.
- 3.9. Where a person who at the time of the acts or omissions referred to in this clause was a Participating Member, in respect of a single cause of action, incurs an Occupational Liability as a result of:
- 3.9.1. an act or omission in the performance of a Category 1 Service; and
- 3.9.2. an act or omission in the performance of one or more other Category 1 Service;
- the Monetary Ceiling shall be calculated by reference to the highest Assessed Value.

- 3.10. Where, in respect of a Government Valuation, a person who was a Participating Member:

- 3.10.1. expressly extends reliance in respect of such Government Valuation to a Non-Government Entity; and
- 3.10.2. incurs a liability to such Non-Government Entity as a result of an act or omission by that Participating Member in the performance of the Government Valuation;

the relevant Occupational Service, for the purpose of calculating the applicable Monetary Ceiling in respect of such liability to the Non-Government Entity in accordance with clause 3.4 (only), will be deemed to be a Category 1 Service.

#### 4. Conferral of discretionary authority

- 4.1. Pursuant to section 26 of the Act, this Scheme confers on the APIV a discretionary authority to specify, on application by a Participating Member, a higher monetary ceiling (maximum amount of liability) not exceeding \$20 million, in relation to the Participating Member either in all cases or in any specified case or class of case.

#### 5. Definitions

- 5.1. Relevant definitions for the purposes of the Scheme are as follows:

"Act" means the *Professional Standards Act 2003 (Vic)*.

"API" means the Australian Property Institute Ltd ACN 608 309 128.

"APIV" means the Australian Property Institute Valuers Limited ACN 143 638 975.

"APIV Insurance Standards" means the insurance standards approved by the APIV and presented to, and considered by, the Professional Standards Councils in connection with the Councils' approval of the Scheme (subject to any amendment to such Insurance Standards as are subsequently approved by the APIV and presented to the Councils and approved or endorsed by the Councils in writing).

"Assessed Value" means an express statement of professional opinion by a person who is or was a Participating Member as to the value of any right, interest or benefit related to the ownership, occupation or use of real property or plant, machinery or equipment. Where a valuation states a range of values, rather than a single value, the Assessed Value shall be deemed to be the mid-point value in such range.

"Category 1 Services" means the Valuation of Real Property in Australia excluding any Low Risk Valuation Services.

"Category 2 Services" means the provision of Low Risk Valuation Services in Australia.

"Category 3 Services" means the provision of Plant & Machinery Valuation Services in Australia.

"Category 4 Services" means the provision of Other Occupational Services in Australia.

"Corporate Member" means a corporation which has been admitted as a Member pursuant to the eligibility criteria prescribed by the APIV Constitution.

"Damages" has the meaning given in Section 4 of the Act.

"Expert Determination" means any Valuation of Real Property undertaken for the purpose of making a determination acting as an expert pursuant to an agreement or deed where all relevant parties have agreed to indemnify, release or hold the valuer harmless in respect of any liability in connection with the valuation. An Expert Determination can be binding or non-binding.

**“Expert Evidence Valuation”** means any Valuation of Real Property undertaken for the purpose of providing expert evidence in relation to a proceeding before a court or tribunal where the expert’s primary duty is to the court or tribunal (excluding a Valuation of Real Property undertaken for Resumption purposes).

**“Financial Reporting Valuation”** means any Valuation of Real Property undertaken for the purpose of the preparation and issue of financial reports by any entity in the general course of the entity’s operations. It excludes special purpose financial reports prepared in respect of a specific transaction including any sale, merger, takeover or fundraising.

**“Government Valuation”** means any valuation prepared on instructions from any:

- (a) Government in Australia (including Federal, State or Territory and Local government);
- (b) Government department; or
- (c) Government agency; or
- (d) Government statutory or non-statutory body or authority.

**“Insurance Valuation”** means any assessment of the cost of replacement of destructible improvements to real property undertaken for the purpose of advising on the insurable value of such property in connection with the entry into, or proposed entry into, a contract of insurance.

**“Low Risk Valuation Services”** means any:

- (a) Valuation of Real Property undertaken in the capacity as an arbitrator;
- (b) Valuation of Real Property undertaken for the purpose of asset means testing;
- (c) Expert Determination;
- (d) Expert Evidence Valuation;
- (e) Financial Reporting Valuation;
- (f) Government Valuation;
- (g) Insurance Valuation;
- (h) assessment of any unit entitlement in respect of any subdivision, strata title, company title (or similar) property;
- (i) Valuation of Real Property undertaken for the purpose of determining a rate, tax, duty or levy that applies in respect of the property including but not limited to any council rates, Good & Services Tax or stamp duty; or
- (j) Valuation of Real Property undertaken for Resumption purposes.

**“Member”** means a member of the APIV.

**“Monetary Ceiling”** means the applicable monetary ceiling specified in clause 3.3 of the Scheme.

**“Non-Government Entity”** means a person or entity which is not a government entity of the type identified in the definition of Government Valuation at clause 5.1 (including, for the avoidance of doubt, any joint venture or partnership between one or more Government Entity(s) with one or more Non-Government Entity(s)).

**“Occupation”** means the occupational vocation carried out by Participating Members by application of the qualifications, training, skills, practices, disciplines, specialisations, standards, guidelines and experience of Certified Practising Valuers, Certified Practising Valuers (Plant & Machinery) and/or Residential Property Valuers.

**“Occupational Liability”** has the meaning given in Section 4 of the Act.

**“Occupational Services”** means any Category 1 Services, the Category 2 Services, the Category 3 Services and the Category 4 Services provided by a Participating Member in the performance of the Occupation.

**“Other Occupational Services”** means any Occupational Services provided by a Participating Member in the performance of the Occupation other than any:

- (a) Category 1 Services;
- (b) Category 2 Services;
- (c) Category 3 Services.

**“Participating Member”** means a Member to whom the Scheme applies pursuant to clause 2.1 and who has not been granted an exemption pursuant to clause 2.3.

**“Plant & Machinery Valuation Services”** means any valuation of any right, interest or benefit related to the ownership, possession or use of plant, machinery or equipment expressed as an Assessed Value.

**“Professional Indemnity Insurance Policy”** means a policy of insurance that provides cover for the Participating Member in compliance with the APIV Insurance Standards.

**“Professional Standards Legislation”** means:

- (a) the Act;
- (b) *Professional Standards Act 1994 (NSW)*;
- (c) *Professional Standards Act 2004 (Qld)*;
- (d) *Professional Standards Act 2004 (SA)*;
- (e) *Professional Standards Act 2005 (Tas)*;
- (f) *Professional Standards Act 1997 (WA)*;
- (g) *Professional Standards Act 2004 (NT)*; and
- (h) *Civil Law (Wrongs) Act 2002 (ACT)*.

**“Real Property Valuation Services”** means the Valuation of Real Property but excluding any Low Risk Valuation Services.

**“Resumption”** means compulsory acquisition of land (including compulsory acquisition or appropriation of Crown land) under the provision of any Act of the Commonwealth or of a State or Territory authorising compulsory acquisition or appropriation of land.

**“Scheme”** means The Australian Property Institute Valuers Limited Professional Standards Scheme set out in this document.

**“Valuation of Real Property”** means any valuation of any right, interest or benefit related to the ownership, occupation or use of real property including land and all things that are a natural part of the land as well as any improvements to the land (but excluding plant, machinery and equipment) expressed as an Assessed Value.

## 6. Duration and commencement

6.1. The Scheme is intended to commence on the following day:

- 6.1.1. in Victoria, New South Wales, the Northern Territory, Queensland, Tasmania and Western Australia on 1 September 2021;
- 6.1.2. in the Australian Capital Territory and South Australia:
  - (a) on the date provided in the relevant Minister’s notice in relation to the amendments, if a date is provided; or
  - (b) on the first day two months after the day on which notice was given, in any other case.

6.2. This Scheme will be in force in Victoria for five (5) years from the date of commencement in that jurisdiction, unless:

- 6.2.1. it is revoked or ceases in accordance with the Act; or
- 6.2.2. it is extended in accordance with the Act.

6.3. For any other jurisdiction, the Scheme will be in force for:

- 6.3.1. five (5) years from the date of commencement in that jurisdiction; or
- 6.3.2. five (5) years from the date of commencement in Victoria; whichever period ends first

6.4. The Scheme will cease to operate in a jurisdiction referred to in clause 6.3 if it is revoked or ceases in accordance with the Professional Standards Legislation of that jurisdiction.

## 7. Other schemes

7.1. Notwithstanding anything to the contrary contained in this Scheme, if in particular circumstances giving rise to Occupational Liability, the liability of any person who is subject to this Scheme should be capped by both this Scheme and also by any other scheme under Professional Standards Legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

### *Professional Standards Act 2005*

#### Notification pursuant to section 35(5)

Pursuant to section 35(5) of the *Professional Standards Act 2005*, I Elise Archer MP, Attorney General and Minister for Workplace Safety and Consumer Affairs, for the State of Tasmania authorise the publication of the extension of **The Australian Property Institute Valuers Limited Professional Standards Scheme**, which commences from 1 September 2021. The Scheme remains in force from the date of its commencement until 31 August 2026, unless the Scheme is revoked, extended, or its operation ceases as specified in the Act.

The Hon Elise Archer MP  
Attorney-General

Minister for Workplace Safety and Consumer Affairs

### *Professional Standards Act 2005*

#### Notification pursuant to section 14

Pursuant to section 14 of the *Professional Standards Act 2005*, I Elise Archer MP authorise the publication of **The Australian Institute of Building Surveyors Professional Standards Scheme** submitted to me by the Professional Standards Council of New South Wales pursuant to the mutual recognitions of the New South Wales and Tasmanian professional standards legislation. The Scheme is published with this authorisation and commences on 1 July 2021. The duration of the scheme is to be five years from the date of its commencement unless it is extended, revoked, or otherwise ceases to have effect as specified in the Act.

The Hon Elise Archer MP  
Attorney-General

Minister for Workplace Safety and Consumer Affairs

### *Professional Standards Act 1994 (NSW)*

## THE AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS PROFESSIONAL STANDARDS SCHEME PREAMBLE

- A. The Australian Institute of Building Surveyors Limited (AIBS) is an occupational association.
- B. The AIBS has made an application to the Professional Standards Council, appointed under the *Professional Standards Act 1994 (NSW)* (the Act), for approval of a scheme under the Act. This document constitutes the scheme (the Scheme)
- C. The Scheme is prepared by the AIBS for the purposes of improving the quality of expertise within the profession and limiting Occupational Liability to the extent to which such liability may be limited under the Act.
- D. The Scheme is to apply to all Practising Members of the AIBS.
- E. The AIBS has furnished the Councils with a detailed list of the risk management strategies intended to be implemented in respect of its members and the means by which those strategies are intended to be implemented.

F. The Scheme is intended to commence on 01 July 2021 and remain in force for five (5) years from its commencement subject to s32 of the Act.

G. The Scheme is intended to apply in New South Wales, Victoria, South Australia, Western Australia, Queensland, Tasmania, Australian Capital Territory, and The Northern Territory and to be prescribed for the purposes of applicable Commonwealth legislation to limit liability for misleading and deceptive conduct in accordance with that legislation.

## THE AUSTRALIAN INSTITUTE OF BUILDING SURVEYORS PROFESSIONAL STANDARDS SCHEME

### 1. Occupational association

1.1. The Scheme is a scheme under the Act prepared by the AIBS whose business address is: Level 5, 828 Pacific Highway, Gordon, NSW, 2072.

### 2. Persons to Whom the Scheme Applies

2.1. The Scheme applies to:

- 2.1.1. all Practising Members (including a Body Corporate Member) as defined in the AIBS Membership Policy.
- 2.1.2. all persons to whom clause 2.1.1 applied at the time of any act or omission giving rise to a cause of action.

2.2. Upon application by a person referred to in clause 2.1, AIBS may exempt the person from the Scheme from the date on which the exemption is granted or a later date specified in the exemption. This clause does not apply to a person to whom the Scheme applies by operation of section 18, 19 or 20 of the Act.

### 3. Limitation of liability

3.1. The Scheme only affects the liability for damages arising from a single cause of action to the extent to which the liability results in damages exceeding the limits specified in the table in clause 3.4 below.

3.2. If a person to whom the Scheme applies and against whom a proceeding relating to Occupational Liability is brought is able to satisfy the court that:

- 3.2.1. the person has the benefit of an insurance policy insuring such person against that Occupational Liability, and
- 3.2.2. the amount payable in respect of that Occupational Liability is not less than the monetary ceiling specified in clause 3.4 below,

the person is not liable in damages in relation to that cause of action above the monetary ceiling.

3.3. For the purposes of the Scheme, an insurance policy must be a policy of a kind which complies with the AIBS Insurance Standards.

3.4. The monetary ceiling is as set out in the following table:

Building Levels	Category	Liability limit
Level 1	Unlimited (all buildings)	\$2 million
Level 2	Limited (less than 2000M2 and 3 storeys or less)	\$1 million

3.5. The Scheme limits the Occupational Liability in respect of a cause of action founded on an act or omission occurring during the period when the Scheme was in force of any person to whom the Scheme applied at the time the act or omission occurred.

3.6. Notwithstanding anything to the contrary contained in this Scheme if, in particular circumstances giving rise to occupational liability, the liability of any person who is subject to this Scheme is capped both by this Scheme and also by any other Scheme under professional standards legislation (whether of this jurisdiction or under the law of any other Australian state or territory) and, if the amount of such caps should differ, then the cap on the liability of such person arising from such circumstances which is higher shall be the applicable cap.

#### 4. Conferral of discretionary authority

The Scheme confers on AIBS a discretionary authority to specify, on application by a person to whom the Scheme applies, in relation to that person, a higher monetary ceiling (maximum amount of liability) not exceeding \$10 million, in all cases or in any specified case or class of case.

#### 5. Commencement

The Scheme is intended to commence on the following day:

- (a) in New South Wales, the Northern Territory, Queensland, Tasmania, Victoria and Western Australia on 1 July 2021;
- (b) in South Australia and the Australian Capital Territory:
  - (i) on the date provided for in the Minister's notice, if a date is provided; or
  - (ii) on the first day two months after the day on which notice was given, in any other case.

#### 6. Duration

- 6.1. The Scheme will be in force for a period of 5 years from the date of commencement unless it is revoked or otherwise ends, or it is extended, in accordance with the Act.
- 6.2. The Scheme will cease to operate in any jurisdiction other than New South Wales if it is revoked or otherwise ends in accordance with the corresponding law (as defined in the Act) of that jurisdiction.

#### 7. Definitions

**"Accredited Members"** means a person who has been issued a certificate of accreditation under the National Accreditation Scheme.

**"Act"** means the Professional Standards Act 1994 (NSW).

**"AIBS"** means The Australian Institute of Building Surveyors Limited.

**"AIBS Insurance Standards"** means the insurance standards approved by AIBS from time to time.

**"AIBS Membership Policy"** means the membership policy effective as at 1 January 2021 (Doc Ref: P006, Version 003/01-Jan-21).

**"Body Corporate Member"** means a body corporate or other entity which is accredited by AIBS as an Accredited Member.

**"Level 1"** means building surveying functions for all other classes of buildings (as defined by the Building Code of Australia).

**"Level 2"** means building surveying functions for Class 1 and Class 10 buildings not exceeding a rise in storeys of 3 (as defined by the Building Code of Australia) unless legislated otherwise.

**"National Accreditation Scheme"** means the scheme administered by AIBS under which AIBS accredits building surveying professionals to practice.

**"Occupational Liability"** has the same meaning as in the Act.

**"Practising Member"** means a Practising Member (including a Body Corporate Member) as defined in the AIBS Membership Policy.

## Aboriginal and Torres Strait Islander Heritage Protection

I, Malcolm Stokes, state that I will be making an application under subsection (1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*. In this application I will be providing a report to the Minister requesting that Robbins Island be declared a significant Aboriginal area and be preserved and protected from injury or desecration; my report to the minister shall cover the following matters:

- (a) the particular significance of the area to Aboriginals;
- (b) the nature and extent of the threat of injury to, or desecration of, the area;
- (c) the extent of the area that should be protected;
- (d) the prohibitions and restrictions to be made with respect to the area;
- (e) the effects the making of a declaration may have on the proprietary or pecuniary interests of persons other than the Aboriginal or Aboriginals referred to in (a);
- (f) the duration of any declaration;
- (g) the extent to which the area is or may be protected by or under a law of a State or Territory, and the effectiveness of any remedies available under any such law;
- (h) such other matters (if any) as are prescribed.

I invite interested persons to furnish representations in connection with the report not less than 14 days after publication of this notice to the following address.

Malcolm Stokes  
C/O Forest Post Office  
Forest 7330

I will give due consideration to any representations so furnished and, when submitting the report, attach them to the report.



**Local Government****LAUNCESTON CITY COUNCIL****FACILITIES AND HIGHWAYS  
BY-LAW NUMBER 1 OF 2021**

A by-law made under section 145 of the *Local Government Act 1993* (Tas) to control, regulate and protect facilities and local highways throughout the municipal area of the Launceston City Council.

**PART 1 – PRELIMINARY****1 Short Title**

- (1) This by-law may be cited as the Facilities and Highways By-Law Number 1 of 2021.

**2 Application**

- (1) This by-law applies to all Facilities and Local Highways in the municipal area of the Launceston City Council.

**3 Interpretation**

- (1) This by-law is not intended to interfere with the cultural activities of the Tasmanian Aboriginal community, nor with the cultural activities of any other peoples.

- (2) In this by-law, unless the contrary intention appears:

"Abandoned" means:

- (a) in relation to objects or material, any objects or materials that appear to an Authorised Officer to have been discarded by the owner and that, in the opinion of the Authorised Officer, have a negligible market value apart from scrap value;
- (b) in relation to a Vehicle, any Vehicle which:
  - (i) has been left parked or stationary at any Facility for a period in excess of 48 hours;
  - (ii) is unreasonably obstructing the public use of a Facility; or
  - (iii) is parked or used in breach of this by-law;

"Aquatic Centre" includes Launceston Aquatic, the Lilydale District Swimming Pool, the Basin Swimming Pool, and any other swimming related facility or building controlled or managed by the Council;

"Authorised Officer" means an employee of the Council authorised in writing by the Council for the purposes of this by-law;

"CCTV" means any visual surveillance and recording technology system with the capability to monitor environments and activities;

"Chief Executive Officer" means the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993* (Tas);

"Closed Area" means any closed Facility or part of a Facility that has been closed under clause 17;

"Commercial Activity" means any activity which relates to the provision of goods and services and includes:

- (a) the promotion of an undertaking that provides goods and services;
- (b) distributing or arranging to distribute or affixing to any Council property any type of advertisement, book, card, notice, pamphlet, print, paper, sign billboard or placard for any purpose;
- (c) organised instructing or coaching at an Aquatic Centre;
- (d) the placement of a skip bin;
- (e) the placement of security fencing, hoarding, shipping containers, site office or site amenities associated with the use of development of the adjacent land;

whether the person is remunerated or not;

"Council" means the Launceston City Council;

"Crossing" means a vehicular crossing or pedestrian path over a table-drain, gutter, or footpath at or opposite the entrance to land adjoining the highway that is intended primarily for ingress or egress from that land.

"Damage" includes:

- (a) to destroy, tamper with, remove, mark, write on, deface or in any other way injure;
- (b) collect or remove any wood or timber;
- (c) open or keep open an entrance to a Public Reserve; and
- (d) place or dump objects or materials;

without the permission of an Authorised Officer;

"Facility" means a Public Reserve, Aquatic Centre, or York Park Stadium;

"Fee Unit" means the sum as prescribed under the provisions of the *Fee Unit Act 1997* (Tas);

"Local Highway" has the same meaning as under the *Local Government (Highways) Act 1982* (Tas) and also includes a Mall as defined by this by-law;

"Mall" means the areas listed in Schedule 2;

"Nuisance" means:

- (a) causing Damage to a tree, shrub or any other thing;
- (b) climbing on to a roof or fence in a Facility;
- (c) lighting a fire other than in a fireplace provided by the Council for public use;

where the Council or an Authorised Officer has not given written approval for that activity to occur in a Facility or Local Highway.

"Parking Area" means an area at a Facility allocated by the Council for parking of Vehicles;

"Person" means an individual, corporation or other legal entity (other than the Crown);

"Permit" means:

- (a) a current permit or other written approval granted pursuant to this by-law; or
- (b) any permit, licence or written approval granted pursuant to another by-law, including a by-law which has been repealed, providing that:
  - (i) if the permit, licence or written approval was issued for a certain time period, that time period has not expired; or
  - (ii) if the permit, licence or written approval was issued for a certain event, that event has not yet taken place;

"Public Reserve" means a reserve, rockery, area of bushland, planted embankment, nature strip, median strip, plantation, sports ground, park, flood levee or garden usually open to the public and under the control and management of the Council;

"Polluting Substance" means in any Aquatic Centre:

- (a) blood;
- (b) faeces;
- (c) detergents;
- (d) food and beverages;
- (e) urine;
- (f) vomit; or,
- (g) any other substance deemed to be a polluting substance by an Authorised Officer.

"Skip Bin" means any container that has a capacity in excess of 240 litres that is designed primarily for the collection and removal of waste or recyclable materials.

"Vehicle" means a vehicle as defined in section 3(1) of the *Traffic Act 1925* (Tas).

"York Park Stadium" means the area within the boundaries as marked on the map in Schedule 3.

## PART 2 - USE OF FACILITIES

### 4 Driving of Vehicles

- (1) Subject to subclause (2) a person must not drive a Vehicle in a Facility.

Penalty: a fine not exceeding 5 penalty units.

- (2) A person does not commit an offence contrary to subclause (1) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:

- (a) by an emergency service;
- (b) on a road, parking space, path or track provided for such Vehicles within a Facility, unless signs or notice boards indicate that such use is not allowed; or
- (c) with the written permission of an Authorised Officer.

- (3) Subject to subclause (4) a person must not drive a Vehicle in a Mall.

Penalty: a fine not exceeding 5 penalty units.

- (4) A person does not commit an offence contrary to subclause (3) if a bicycle, trail bike, tricycle, skateboard, skates or other Vehicle is used:

- (a) by an emergency service;
- (b) in accordance with any sign or notice board allowing such use; or
- (c) with the written permission of an Authorised Officer.

### 5 Unsafe Driving in a Facility

- (1) Except for emergency Vehicles, a person permitted to drive a Vehicle in a Facility must:

- (a) enter or leave by an access point identified by signage, or as otherwise directed by an Authorised Officer;
- (b) not cause the Vehicle to enter or remain in a Parking Area closed pursuant to clause 17;



- (c) drive at a safe speed not in excess of five kilometres per hour unless otherwise authorised by an Authorised Officer; and
- (d) not abandon a Vehicle.

Penalty: a fine not exceeding 5 penalty units.

## **6 Unauthorised Commercial Activity**

- (1) A person must not engage in Commercial Activity in a Facility or on a Local Highway without a Permit or other authorisation granted by the Council.

Penalty: a fine not exceeding 10 penalty units.

## **7 Unauthorised objects to facilitate Commercial Activity**

- (1) A person must not cause or permit the installation of any furniture, building, booth or other structure that will facilitate Commercial Activity in a Facility or on a Local Highway except under the conditions of a Permit or as otherwise authorised.

Penalty: a fine not exceeding 10 penalty units and for a continuing offence, a further daily fine not exceeding 1 penalty unit.

## **8 Public speaking, concerts and similar activities**

- (1) In a Facility or on a Local Highway, a person must not conduct, arrange, or participate in:
  - (a) subject to clause 8(2), a function, party, reception, assembly, concert or informal social gathering;
  - (b) an organised sport, contest, or game;
  - (c) public speaking, including preaching; or
  - (d) busking, selling raffle tickets or taking up collection of money;

without a Permit.

Penalty: a fine not exceeding 5 penalty units.

- (2) Subject to clause 20, for the purpose of clause 8(1) a person may conduct, arrange or participate in a function, party, reception, assembly, concert or informal social gathering in a Public Reserve without written permission from an Authorised Officer if the gathering does not:
  - (a) involve more than 50 people participating at any time;
  - (b) obstruct, or interfere with the passive, incidental use and enjoyment of the Public Reserve by other members of the public;

- (c) use an area which is notified as, or indicated by signs and barriers to be, a reserved or Closed Area; and
- (d) involve the other activities referred to in clause 8(1)(b), (c) or (d).

## **9 Dogs and other animals**

- (1) A person must not possess or have under his or her control an animal in a Facility, except:
  - (a) a dog in a Public Reserve being exercised in conformity with the *Dog Control Act 2000* (Tas);
  - (b) a horse being ridden in a Public Reserve area where Council notices or signs state that such use is allowed;
  - (c) a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967* (Tas) or an assistance animal as defined in the *Disability Discrimination Act 1992* (Cth); or
  - (d) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

## **10 Nuisance**

- (1) A person must not create or cause a Nuisance in a Facility or Local Highway.

Penalty: a fine not exceeding 5 penalty units.

## **11 Misuse of change room and public toilet**

- (1) A person must not in a Facility or Local Highway, if that person is over the age of ten years, enter a change room or public toilet reserved for the use of people of the opposite sex, except to help a child under that person's care, or someone who is injured, elderly or disabled.

Penalty: a fine not exceeding 10 penalty units.

## **12 Ground Invasion**

- (1) A person must not enter onto the playing arena of York Park Stadium except:
  - (a) while participating in an organised activity where the Council approved event organisers have invited the person to enter the playing area;
  - (b) as part of that person's employment with the Council or an emergency service; or
  - (c) with the written permission of an Authorised Officer.

Penalty: a fine not exceeding 20 penalty units.

**13 Polluting Substance in an Aquatic Centre**

- (1) A person must not put any Polluting Substance in a pool of an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

**14 Infection or a contagious disease in an Aquatic Centre**

- (1) A person who has an infection or a contagious disease or skin complaint must not enter a pool or waterslide in an Aquatic Centre.

Penalty: a fine not exceeding 5 penalty units.

**15 Objects on a Local Highway or Facility**

- (1) A person must not deposit or allow to be deposited on a Local Highway or Facility any:

- (a) soil, gravel or other material;
- (b) structure; or
- (c) other object,

in a manner that an Authorised Officer determines may interfere with the amenity, comfort, convenience, or safety of the public.

Penalty: a fine not exceeding 5 penalty units.

**PART 3 - POWERS OF AUTHORISED OFFICERS AND ENFORCEMENT****16 Occupying Facility or Local Highway without a Permit**

- (1) A person must not occupy any part of a Facility or Local Highway unless the person is occupying the Local Highway in accordance with a Permit or other authorisation granted by the Council for the relevant land.

Penalty: a fine not exceeding 5 penalty units.

**17 Closure of Facility**

- (1) An Authorised Officer may from time to time, and for such temporary period as he or she determines, close all or any part of a Facility, to members of the public.

**18 Entering or remaining in a closed Facility**

- (1) A person must not enter, or remain in, any Closed Area, without the written permission of an Authorised Officer.

Penalty: a fine not exceeding 5 penalty units.

**19 Making Good**

- (1) An Authorised Officer may take any reasonable measure to restore a Facility or Parking Area to its original condition after a breach of this by-law including:
  - (a) remove any structure, sign, notice or other object;
  - (b) require a person to undertake works to rectify any Council property which has been subject to Damage due to that person's acts or omissions; and
  - (c) if the Authorised Officer is an employee of the Council, remove any Abandoned object or materials, or Abandoned Vehicle and:
    - (i) take it to a safe place and keep it there until the penalty, removal and storage charges have been paid; and
    - (ii) if the object or material, or Vehicle has not been collected for a period of 28 days, or if the owner of the Vehicle cannot be located after a period of 28 days, the object or material, or Vehicle may be disposed of in any manner the Council sees fit.
- (2) Where in the opinion of the Authorised Officer it appears likely that an Abandoned object may have been stolen the Authorised Officer must seek to contact Tasmania Police and seek further directions prior to disposal.
- (3) The Council may use the proceeds of disposal to pay any outstanding penalty, or removal or storage costs, but if the proceeds of disposal exceed the amount of the expenses, the Council must hold those balance proceeds for a period of six months from the date of disposal and, if not claimed by the owner during that period, then dispose of the balance as the Council sees fit.
- (4) In addition to a penalty imposed or remedy granted against a person in relation to a failure to comply with this by-law, any expense incurred by the Council in consequence of that failure or contravention, including the costs of rectification work, is recoverable by the Council as a debt payable by the person in contravention.

**20 Refusal of admission and removal**

- (1) If a person engages in conduct which is reasonably believed by the Authorised Officer to be in breach of this by-law, or a Nuisance, an Authorised Officer may either:
  - (a) refuse to admit a person to a Facility;
  - (b) require a person to leave a Facility for a specified length of time;
  - (c) issue a prohibition notice banning a person from entering a Facility for the period of the ban; or



- (d) if the Authorised Officer is an employee of the Council, remove any person from a Facility.
- (2) A person who has been banned from using a Facility for a period of time must not enter that Facility during that period.  
  
Penalty: a fine not exceeding 5 penalty units.
- (3) A police officer may arrest without warrant a person who:
  - (a) he or she believes on reasonable grounds to have committed an offence against this by-law; and
  - (b) is on land owned by, or under control of the Council.
- (4) The Council may prosecute a person for breach of this by-law if the person does not leave a Facility after having been requested to do so.

## **21 Closed Circuit Television**

- (1) A person who enters a Facility or Local Highway may have their image recorded and disclosed for investigatory and management purposes.

## **22 Assistance of Police Officers**

- (1) A Police Officer is authorised to:
  - (a) assist an Authorised Officer to carry out an action under clause 20(1)(d) of this by-law;
  - (b) remove any person from a Facility whom the Police Officer reasonably believes has committed or is committing an offence under this by-law; and
  - (c) arrest any person who is in a Facility whom the Police Officer reasonably believes has committed or is committing an offence under this by-law.

# **PART 4 - PERMITS**

## **23 Permits**

- (1) Subject to Part 12 Division 1 of the *Local Government Act 1993* (Tas), the Chief Executive Officer may, grant, cancel or vary a Permit to temporarily occupy part or all of a Facility or Local Highway in accordance with this by-law.
- (2) A permit cannot be issued under this by-law for any permit, licence, use, activity, hiring or occupation of a Facility or Local Highway for which there is already a fee set by Council pursuant to section 205 of the *Local Government Act 1993* (Tas).
- (3) An application for a Permit for Commercial Activity for the supply of food in a Facility or on a Local Highway cannot be refused solely on the grounds that the activity will compete with existing businesses.

**24 Applications**

- (1) Any application for a Permit pursuant to this by-law is to be:
  - (a) in accordance with any form approved by the Chief Executive Officer;
  - (b) accompanied by the relevant prescribed fee per application set out in Schedule 4 to this by-law, if any; and
  - (c) where applicable, must be accompanied by the following:
    - (i) a statement in writing of the type of activity proposed to be undertaken by the applicant and the period in which it is proposed to be carried out;
    - (ii) a scaled drawing showing the location and extent of the proposed activity;
    - (iii) approvals from relevant authorities;
    - (iv) evidence of current public liability insurance or other relevant insurance; and
    - (v) such other information that the Chief Executive Officer may reasonably require.
- (2) In deciding whether or not to grant a Permit pursuant to this by-law, the Chief Executive Officer may have regard to the following and any other relevant matters:
  - (a) the type of activity proposed;
  - (b) the location of that activity;
  - (c) the impact of the proposed activity on public safety, the environment and amenity; and
  - (d) any comments made by any employee of the Council or by a Police Officer in relation to the application.
- (3) If an application for a Permit is refused, reasons are to be provided.

**25 Variation of Permit conditions**

- (1) The Chief Executive Officer may vary the conditions of any Permit if they consider it is appropriate to do so.
- (2) If the conditions of any Permit are varied pursuant to clause 25(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
  - (a) the conditions of the Permit are varied; and
  - (b) the reason or reasons for the variation of the Permit conditions.

- (3) The conditions of a Permit will be varied from the date of service of the notice of the variation.

## **26 Cancellation of Permits**

- (1) The Council or the Chief Executive Officer may cancel any Permit if satisfied that:
  - (a) a Permit holder has breached any of Council's by-laws; or
  - (b) a Permit holder has breached a term or condition of the Permit.
- (2) If a Permit is cancelled pursuant to clause 26(1), the Chief Executive Officer must serve a notice in writing on the Permit holder stating:
  - (a) the Permit is cancelled; and
  - (b) the reason or reasons for the cancellation.
- (3) Cancellation of any Permit is effective from the date of service of the notice of the cancellation.
- (4) Nothing in this by-law is to be construed as preventing or prohibiting the Council from cancelling any Permit if required due to the exercise or intended exercise of any local government function, power, right or duty.

## **27 Notices**

- (1) For the purposes of clauses 25(3) and 26(3), a notice may be served in any of the following ways:
  - (a) on the holder of the Permit personally;
  - (b) by email or ordinary post to the last known address of the Permit holder; or
  - (c) by notice being given in the public notice section of a newspaper circulating in the Launceston City Council municipal area.
- (2) The date of service of a notice will be:
  - (a) if the holder of the Permit was served by ordinary post, five business days from the date the notice was posted; or
  - (b) if the notice was given in a newspaper, the date of the publication of that newspaper; or
  - (c) if the holder of a Permit was served by email, the day after the email was sent.

## **PART 5 – INFRINGEMENT NOTICES**

### **28 Infringement notices and fines**

- (1) In this clause –
- "specified offence"** means an offence against a clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may issue an infringement notice to a person in respect of a specified offence and the monetary penalty payable under the infringement notice for that specified offence is the applicable sum set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law.
- (3) An Authorised Officer may:
- (a) issue an infringement notice to a person that the Authorised Officer has reason to believe is guilty of a specified offence;
  - (b) issue one infringement notice in respect of more than one specified offence.
- (4) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an infringement notice issued under this by-law.
- (5) In addition to any other method of service, an infringement notice alleging that a Vehicle has been used in relation to a specified offence may be served by affixing it to that Vehicle.
- (6) A person who is served with an infringement notice must, within 28 days of the date of service, do one or more of the following:
- (a) pay the monetary penalty in full to the Chief Executive Officer;
  - (b) apply to the Chief Executive Officer for withdrawal of the infringement notice;
  - (c) apply to the Chief Executive Officer for a variation of payment conditions; or
  - (d) lodge with the Chief Executive Officer a notice of election to have the offence or offences set out in the infringement notice heard and determined by a court.
- (7) If a person who has been served with an infringement notice fails to take one or more of the actions required by sub-clause (6) within the prescribed time, the infringement may be referred to the Director, Monetary Penalties.



**Schedule 1 Infringement Notice Offences**

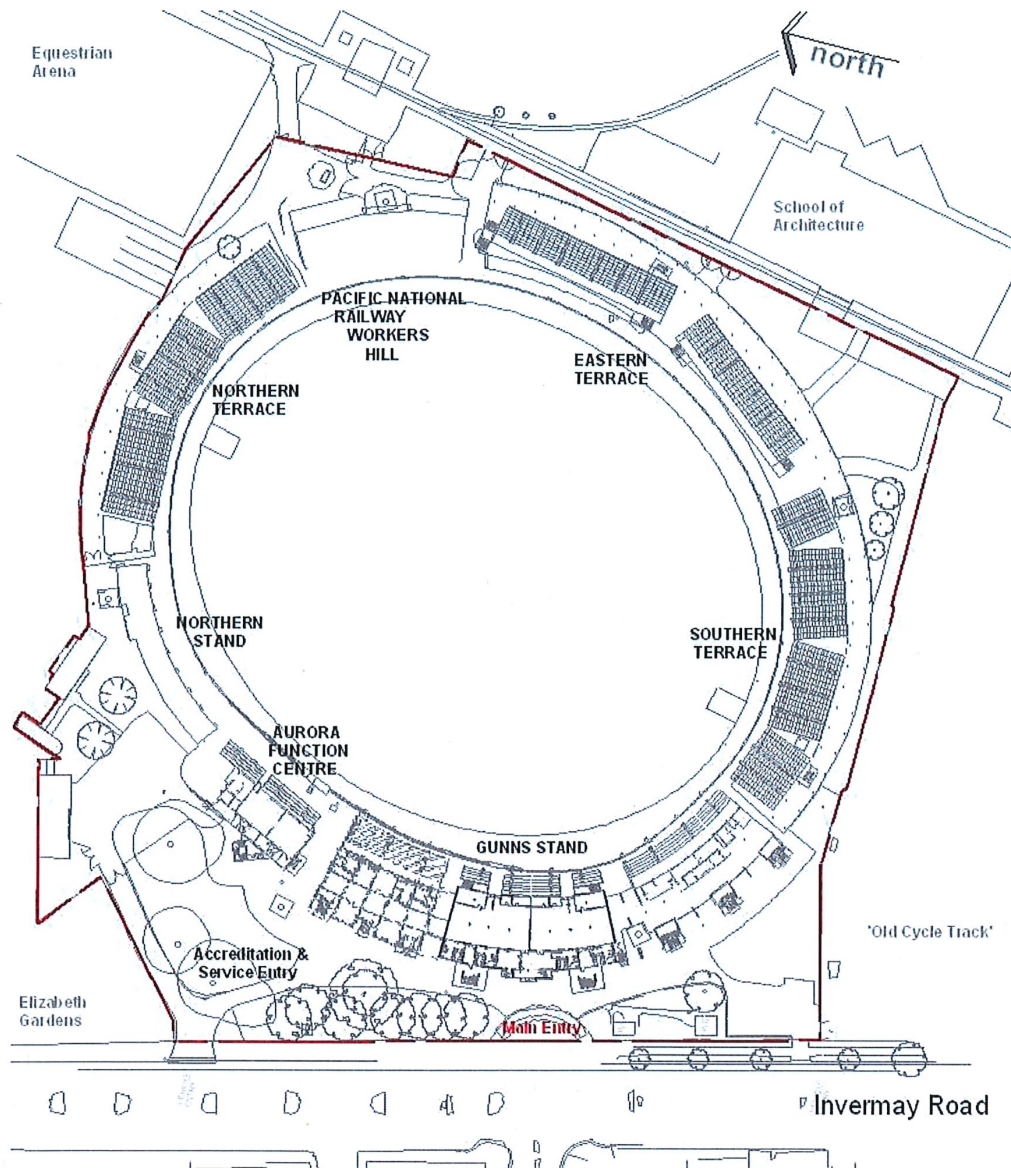
<b>1: Clause</b>	<b>2: General Description of Offence</b>	<b>3: Penalty (Penalty Units)</b>
4(1)	Driving a Vehicle in a Facility	1
4(3)	Driving a Vehicle in a Mall	1
5(1)	Unsafe Driving in a Facility	1
6(1)	Unauthorised Commercial Activity	2
7(1)	Unauthorised objects to facilitate Commercial Activity	2
8(1)	Engaging in unauthorised activity	1
9(1)	Unauthorised animals	1
10(1)	Nuisance	1
11(1)	Entering change rooms	2
12(1)	Ground Invasion	4
13(1)	Introduction of Polluting Substances into an Aquatic Centre	1
14(1)	Use of Pool with Infectious Disease	1
15(1)	Objects on a Local Highway or Facility	1
16(1)	Occupying a Local Highway or Facility without a Permit	1
18(1)	Entering or remaining in closed Facility	1
20(2)	Re-entering Facility	1

**Schedule 2 - Malls in which the By-Law applies**

- |   |                      |                                                                                                                                     |
|---|----------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Brisbane Street Mall | Between Charles and St John Streets.                                                                                                |
| 2 | The Quadrant Mall    | The Quadrant between Brisbane Street and St John Street.                                                                            |
| 3 | Civic Square         | Cameron Street between Charles Street and St John Street.                                                                           |
| 4 | The Avenue           | The area from the shop front to the kerb edge of the widened footpath in Brisbane Street between St John Street and George Streets. |
| 5 | Charles Street       | The area from the shop front to the kerb edge of the widened footpath in Charles Street between Paterson and York Streets.          |
| 6 | St John Street       | The area from the shop front to the kerb edge of the widened footpath in St John Street between Paterson and York Streets.          |

## Schedule 3

## York Park Stadium

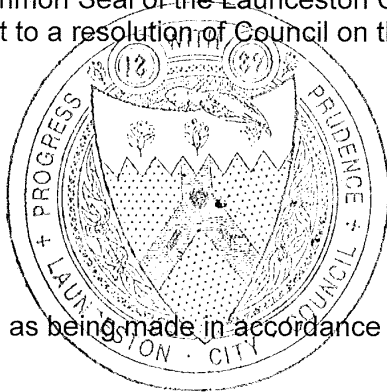


**Schedule 4****Prescribed Fees**

<b>Number</b>	<b>Fee Name</b>	<b>Fee (Fee Units)</b>

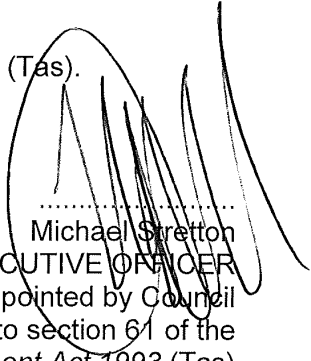


The Common Seal of the Launceston City Council has been placed on this document pursuant to a resolution of Council on the 7<sup>th</sup> day of June 2021 in the presence of me:



  
Albert Van Zetten  
MAYOR

Certified as being made in accordance with *Local Government Act 1993 (Tas)*.

  
Michael Stretton  
CHIEF EXECUTIVE OFFICER  
being the General Manager as appointed by Council  
pursuant to section 61 of the  
*Local Government Act 1993 (Tas)*

Certified as being in accordance with the law.

  
Nathan Street  
LEGAL PRACTITIONER

## Staff Movements

### Permanent Appointments

Agency	Duties Assigned	Employee	Probation Period	Date of Effect
Department of Health	Registered Nurse	E Hill	6 Months	15/06/2021
Department of Health	Multicultural Health Liaison Officer	T Conlon	6 Months	14/06/2021
Department of Health	Pharmacy Educator	E Cooper	Nil	14/06/2021
Department of Health	Registered Nurse	J Kim	6 Months	14/06/2021
Department of Health	Registered Nurse	K Shaw	6 Months	13/06/2021
Department of Health	Registered Nurse	J Bonney	6 Months	13/06/2021
Department of Health	Clinical Coordinator - Aged Services Team	D Lubbersen	6 Months	16/06/2021
Department of Health	Psychologist	J Wells	6 Months	21/06/2021
Police, Fire and Emergency Management	Clerical Support Officer	A Reyenga	6 Months	07/06/2021
Primary Industries, Parks, Water and Environment	Regional Planner	M Lindus	Nil	15/06/2021
Police, Fire and Emergency Management	Emergency Services Systems, Subject Matter Expert (SME)	A Barber	Nil	10/06/2021
TasTAFE	Human Resources Officer	B Dean	6 Months	28/06/2021
TasTAFE	Learning Support Tutor	C Standen	6 Months	15/06/2021
TasTAFE	eLearning Consultant	S Linguist	6 Months	23/06/2021
Department of Health	Ward Cleaner/Kitchen Hand	M Cowen	6 Months	08/08/2021
Department of Health	Ward Cleaner/Kitchen Hand	M K C	6 Months	14/06/2021
Department of Health	Staff Specialist - Neurology	J Alty	6 Months	14/06/2021
Department of Health	Registered Nurse	G Worthington	6 Months	05/07/2021
Department of Health	Enrolled Nurse EBA	C Peters	6 Months	05/07/2021
Department of Health	Registered Nurse	J Chiong	6 Months	13/06/2021
Department of Health	Administrative Assistant	J Pickering	6 Months	30/06/2021
Treasury and Finance	Graduate Financial Analyst	A Abeyweera	6 Months	28/06/2021
Justice	Communications and Design Officer	C Batten	6 Months	21/06/2021

### Cessation of Officers and Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Premier and Cabinet	Courier	C Carlson	18/06/2021
Department of Health	Consultant - Work Health and Safety	D Prout	15/06/2021
Justice	Legal Secretary	K Turner	14/06/2021
Police, Fire and Emergency Management	Administrative Assistant	M Ward	14/05/2021
Department of Health	Communicable Diseases Response Manager	F Tiplady	21/05/2021
Department of Health	Registered Nurse	R Lane	11/06/2021
Department of Health	Occupational Therapist	R Rourke	16/06/2021
Primary Industries, Parks, Water and Environment	Administrative Officer	M Lowery	17/06/2021
Primary Industries, Parks, Water and Environment	Field Officer	K Thornbury	30/06/2021
Department of Health	Psychiatrist	R Ali	04/06/2021
Department of Health	Associate Nurse Unit Manager	N Holliday	02/06/2021
Department of Health	Associate Nurse Unit Manager	F Brooks	31/05/2021
Department of Health	Registered Nurse	M Chacko	11/06/2021

Department of Health	Registered Nurse	A Dominic	12/06/2021
Communities Tasmania	Youth Justice Worker	K Follett	11/06/2021
Department of Health	Associate Nurse Unit Manager	J Mitchell	16/05/2021
Department of Health	Research Officer	R King	18/06/2021

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

Agency	Duties Assigned	Employee	Term	Date of Effect
State Growth	Project Officer (Community Development and Engagement)	K Farrell	36 Months	16/06/2021
Primary Industries, Parks, Water and Environment	Senior Business Analyst	S Alcorn	24 Months	16/06/2021
Justice	Intake and Assessment Officer (Ombudsman)	S Franks	13 Months	21/06/2021
Premier and Cabinet	Cybersecurity Specialist	K Manderson	36 Months	15/06/2021

### Promotion of Permanent Employees

Agency	Duties Assigned	Employee	Date of Effect
Education	Principal Policy Analyst	A Blake	10/06/2021
Department of Health	Associate Nurse Unit Manager	C Hyland	15/05/2021
Department of Health	Administrative Officer	B Connolly	16/06/2021
Police, Fire and Emergency Management	Senior IT Officer	M Gwynne	10/06/2021
Department of Health	Associate Nurse Unit Manager (ANUM)	N Wilson	14/06/2021
Department of Health	Senior Clinical Coder	L Brinsmead	01/07/2021
Education	Senior Communications Officer	T Busch	18/06/2021

### Promotion Without Advertising

AGENCY: PRIMARY INDUSTRIES, PARKS, WATER AND ENVIRONMENT

It is my intention to request the Head of the State Service to exercise discretion to not advertise the following duties in accordance with section 40 (2) of the *State Service Act 2000* and to promote the following permanent employee:

**Name:** A Smith

**Duties Assigned:** Senior Biosecurity Inspector - Invasive Species

**Description of the Role:** Assist in the operational delivery of Biosecurity Tasmania's invasive species program ensuring that weeds and pest animals do not adversely affect Tasmania's agricultural assets and natural environment.

**Essential Requirements:** A current motor vehicle driver's licence.

**Desirable Requirements:**

- A tertiary qualification in land management, invasive species management, biosecurity emergency management, government investigations or statutory compliance relevant to the nature of the work to be undertaken, as provided by either a university, a vocational education organisation or a registered and accredited training provider.
- Chemcert accreditation.

State Service employees aggrieved by this intention may make application to the Tasmanian Industrial Commission for a review under section 50(1)(b) of the *State Service Act 2000*. Applications for review are to be lodged with the Tasmanian Industrial Commission within 14 days of the publication of this notice in the Tasmanian Government Gazette.

**Signed:** Tim Baker



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