



# TASMANIAN GOVERNMENT GAZETTE

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## Administration and Probate

### ADMINISTRATION AND PROBATE ACT 1935

#### *Notice of Intention to apply for Letters of Administration*

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of WILLIAM WOOD STABLER late of 5/60 Lyons Street Somerset in Tasmania miner/ married man deceased be granted to Adelaide Pauline Alice Etherington of 5/60 Lyons Street Somerset in Tasmania the lawful widow of the said deceased.

Dated this tenth day of September 2008.

CRISP HUDSON & MANN,  
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 days from the publication hereof Christine Margaret Fraser of 65 Bayview Road Lauderdale in Tasmania the executor of the Will of WAYNE LINDSAY FRASER late of 39 Zenith Court Woodroffe in the Northern Territory deceased to whom Probate of the said Will was granted by the Supreme Court of Northern Territory on the sixteenth day of April 2008 will apply to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that the Seal of the said Supreme Court of Tasmania may be affixed to the said pursuant to Part VI of the Administration and Probate Act 1935.

Dated this tenth day of September 2008.

OGILVIE JENNINGS,  
Solicitors for the Applicant.

## Notices to Creditors

ROBERT BEVIS THEODORE DAVISON late of Rosary Gardens Nursing Home New Town in Tasmania retired RAAF educator/divorced man who died on the ninth day of February 2008: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executor Alice Catherine Elspeth Doyle c/- Blissenden Lawyers of 120 Main Road Moonah in Tasmania to send particulars to the said Executor on or before the tenth day of October 2008 after which date the Executor may distribute the assets having regard only to the claims of which the Executor then has notice.

Dated this tenth day of September 2008.

BLISSENDEN LAWYERS, Solicitors to the Estate.

ELLEN MARY DE JERSEY late of Eldercare Nurisng Home Franklin in Tasmania retired home duties/widow who died on the twenty-second day of May 2008: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executor Leon Douglas De Jersey c/- Blissenden Lawyers of 120 Main Road Moonah in Tasmania to send particulars to the said Executor on or before the tenth day of October 2008 after which date the Executor may distribute the assets having regard only to the claims of which the Executor then has notice.

Dated this tenth day of September 2008.

BLISSENDEN LAWYERS, Solicitors to the Estate.

STEPHEN MONTAGUE PUGH late of 16 Linda Avenue Pontville in Tasmania died on the fourteenth day of June 2005: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Administratrix Narelle Kostiuik of c/- Page Seager 162 Macquarie Street Hobart in Tasmania to send particulars by the thirteenth day of November 2008 after which date the Administratrix may distribute the assets having regard only to the claims of which she then has notice.

Dated this tenth day of September 2008.

PAGE SEAGER, Solicitors for the Estate.

AILSA MITCHELL late of Karingal Home for the Aged 32 Lovett Street Devonport in Tasmania retired teacher/home duties widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Ailsa Mitchell who died on the sixth day of July 2008 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars to the said Company by the tenth day of October 2008 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this tenth day of September 2008.

HEATHER SHEPPARD, Branch Manager.

WALTER JAMES WADLEY late of 6312 Bass Highway Elizabeth Town in Tasmania widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Walter James Wadley who died on the seventh day of April 2008 are required by the Executors Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania Robert James Wadley of 52 Napier Street Beauty Point in Tasmania and Penelope Wadley James of 54 Salesian Court Queens Park in Western Australia to send particulars to the said Company by the tenth day of October 2008 after which date the Executors may distribute the assets having regard only to the claims of which it then has notice.

Dated this tenth day of September 2008.

GLENDIA LEE, Trust Administrator.

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

MAY GERTRUDE ROWAT late of Ainslie House Low Head Road Low Head in Tasmania home duties/widow deceased.

YVONNE PATRICIA BARRY late of Huon Eldercare 3278 Huon Highway Franklin in Tasmania home duties/widow deceased.

JOYCE IRENE CHRISTINE WILLIAMS late of Andrew Kerr Nursing Home Mornington in Victoria home duties/widow deceased.

Dated this tenth day of September 2008.

PETER MALONEY, Chief Executive Officer,  
The Public Trustee.

## Government Notices

Government House

Hobart, 5 September 2008.

HIS Excellency the Governor has this day in the name and on behalf of Her Majesty The Queen assented to the following Bill:—

A Bill for an Act for the appropriation of money out of the Consolidated Fund for the service of the financial year ending on 30 June 2009 for the purpose of making a contribution to Division 4, Finance General, of Part 2 of Schedule 1 to the *Consolidated Fund Appropriation Act (No 1) 2008*. Consolidated Fund Appropriation (Supplementary Appropriation for 2008-2009) Act 2008. (Act No. 28 of 2008)

By His Excellency's Command,

J. D. CHILCOTT, Official Secretary.

Government House

Hobart, 5 September 2008.

HIS Excellency the Governor has this day in the name and on behalf of Her Majesty The Queen assented to the following Bill:—

A Bill for an Act to provide for the purchase by Aurora Energy of the Tamar Valley Project and for related purposes. Tamar Valley Power Station Act 2008. (Act No. 29 of 2008)

By His Excellency's Command,

J. D. CHILCOTT, Official Secretary.

## Poisons

Department of Health and Human Services,  
Hobart, 1 September 2008.

### POISONS ACT 1971

#### Section 89

NOTICE is hereby given that:—

Bell D W	Coles Bay
Brown J A	Detention River
Butler J	Rosebery
Caldwell B J	Stanley
Dillon L	Zeehan
Edwards F G	Branxholm
Eisele K L	Rocky Cape
Fitzallen S W	Rosebery
Forsyth R R	Gladstone
Harrison J	Railton
Hedger S E	Bronte Park
Henderson J J	Lunawanna
Hollingsworth G D	Ouse
Ireland L E	Whitemark
Jetson J	Ellendale
Kain S H	Coles Bay
Keen M	Dunalley
Lester D M	Derby
Male W F	Smithton
McCulloch E	Forest
Morton N M	South Riana
Nicholls D C	Marrawah
Parker M M	Bracknell
Pringle J	Zeehan
Sandor P	Kings Meadows
Sargent C H	Ridgley
Stansfield L	Middleton
Stevens M R	South Arm
Walker J A	Whitemark
Walsh S L	Waratah
Weeding J L	Adventure Bay
Wheldon A D	Strahan
Young M J	Port Arthur

are licensed to sell or supply from a country store certain substances to which Section 27 of the *Poisons Act 1971* applies until June 2009

LARA GIDDINGS,  
Deputy Premier and Minister for Health and Human  
Services.

## Industrial Relations

### INDUSTRIAL RELATIONS ACT 1984

#### Notice of the Making of Awards

Name of Award Award No. Date Made

Police ..... Correction Order 3/9/08

A. T. MAHONEY, Registrar.

## Flood Authority

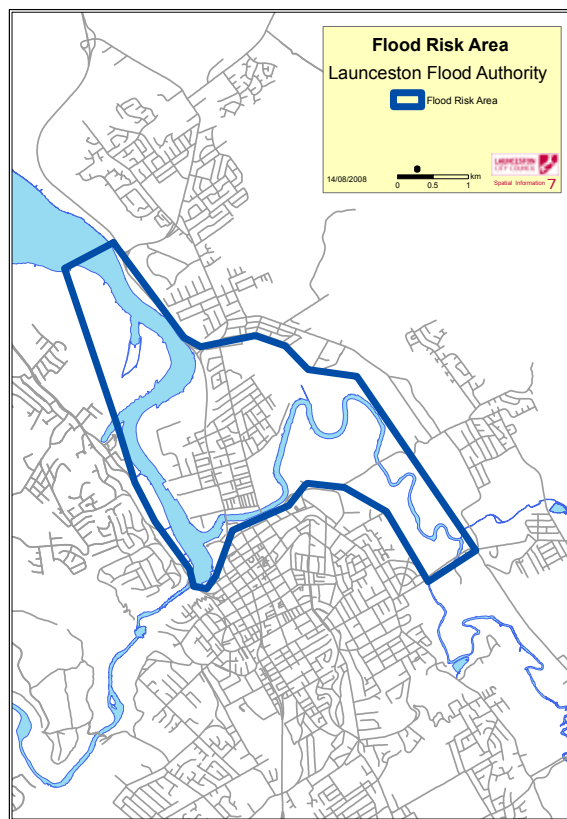
### LAUNCESTON FLOOD AUTHORITY

ON 1 September, 2008, Launceston City Council approved rules of Launceston Flood Authority, a single authority to be established pursuant to Division 4 of Part 3 of the *Local Government Act 1993*.

Notice is hereby given that the name of such authority is Launceston Flood Authority and is established on and from 10 September 2008.

The purpose for which the authority is established is to perform all tasks necessary for the construction and maintenance of flood levees, to initiate and manage effective emergency management procedures, and to take all necessary measures, so as to address the flood risk to the flood risk area, (that area being defined in the rules of the authority and indicated in the map below), principally by providing a 1 in 200 year level of protection.

R.K. SWEETNAM,  
Acting General Manager,  
Launceston City Council.



<b>Cities/Councils</b>
------------------------

**HOBART CITY COUNCIL**  
**PARKS, RECREATION AND NATURAL AREAS BY-LAW**

**BY-LAW 5 OF 2008**

**BY-LAW MADE UNDER SECTION 145**

**OF THE LOCAL GOVERNMENT ACT 1993**

**FOR THE PURPOSE OF**

**REGULATING AND CONTROLLING CONDUCT IN THE PARKS,**

**RECREATION, AND NATURAL AREAS**

**PART 1- PRELIMINARY**

**Short Title**

1. This by-law may be cited as the Parks, Recreation and Natural Areas By-law.

**Interpretation**

2. In this by-law: -

"Act" means the Local Government Act 1993;

"aircraft" means any machine that can derive support from the atmosphere from the reactions of the air.

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

"authorised person" means a person, other than an employee of the Council, authorised by the Council for a purpose under this by-law;

"camp" includes camping with the use of a tent, caravan, camper van or other similar vehicle;

"children's playground" means any area under the management or control of the Council in which children's play equipment is installed and extends for a distance of metres in all directions from the play equipment;

"Council" means Hobart City Council;

"cycleway" means a cycle path under the management or control of the Council;

"designated fire place" means a place designated under Clause 37 as a place suitable for the lighting of fires;

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

"licence" means a licence granted under this by-law;

"meeting" includes a parade, performance, rally, march, or demonstration;

"motor vehicle" has the same meaning as section 3(1) of the Vehicle and Traffic Act 1999;

"natural area" means any natural bushland area under the control of the Council whether a public reserve or acquired for other purposes, with the exclusion of areas within the boundary of Wellington Park;

"open space" includes any undeveloped Council property set aside for either public or other

purposes.

"owner" includes: -

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

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

"park" includes gardens, beaches, cycleways and any children's playground or park under the management or control of the Council;

"penalty unit" has the same meaning as section 4 of the Penalty Units and Other Penalties Act 1987;

"permit" means a permit granted by Council under this by-law;

"permit holder" means a person who has obtained a licence or permit from the Council for any purpose under this by-law;

"recreation ground" means a sportsfield under the management or control of the Council;

"road" means a road with a constructed surface suitable for the use of four-wheeled motor cars or an area set aside by the Council as a parking place for vehicles;

"Manager Environmental Health" means the Manager Environmental Health of the Council appointed pursuant to section 64 of the *Local Government Act 1993*;

"Sharp" means an object or device having a sharp point or protuberance or cutting edge capable of cutting or piercing the skin or having potential to become a Sharp;

"stock" does not include horses;

"track" includes:-

- a) a vehicular track; or
- b) a trail or route that is managed for walking, horseriding or other similar activity.

"use" in relation to a bicycle, means use, take, ride, or be in charge of, a bicycle;

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

"vehicle" has the same meaning as section 3 (1) of the *Traffic Act 1925*;

"vehicular track" means a constructed track with a surface which is managed for maintenance or emergency access.

"wares" includes any subscription, good, thing, article, or matter, and any food, or article of food, within the meaning of the *Food Act 2003*.

## PART 2 – PARKS, RECREATION GROUNDS, NATURAL AREAS AND OPEN SPACE

### *Division 1 – Protection of Wildlife and Plants*

**Definitions**

3. For the purposes of this Division:
- a) "take" means to remove; and
  - b) "damage" includes pruning.

**Protection of Wildlife**

4. Unless authorised to do so by permit, a person must not in any park, recreation ground, natural area or open space: -
- a) take or have in his or her possession any wildlife or products of wildlife; or
  - b) use or have in his or her possession any hunting equipment; or
  - c) lay or set any trap or snare or deposit any poisonous or chemical substance; or
  - d) interfere with the nest, breeding place or habitation of any wildlife; or
  - e) intentionally rouse or disturb any wildlife.

Penalty: 20 penalty units

**Protection of Vegetation**

5. A person must not, by any act, wherever performed, cut, pluck, destroy or injure any tree, shrub, flower or other vegetation growing in a park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 20 penalty units

**Protection of soil and material**

6. Unless authorised to do so by permit a person must not in a park, recreation ground, natural area or open space: -
- a) dam up, divert or pollute any water on or under the surface; or
  - b) take or collect any water for sale; or
  - c) interfere with, dig up, cut up, collect, or remove any sand, gravel, clay, rock, or any timber, firewood, humus or other natural substance; or
  - d) remove, damage, or deface any rock formation in a cave.

Penalty: 20 penalty units for each act.

***Division 2 - Prohibitions*****Use of firearms and missiles**

7. A person must not fire or discharge any firearm, or throw or fire or discharge any missile or projectile, in or on any park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 10 penalty units

**Possession of certain items in the parks**

8. A person must not carry or be in possession of any firearm, axe, hatchet, saw, or other woodcutting implement in a park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 2 penalty units

**Damage to the parks, recreation grounds, natural areas and open space**

9. A person must not do any act or thing which causes, or is likely to cause, any damage or disfigurement to any park, recreation ground, natural area or open space.

Penalty: 10 penalty units

**Damage to structures, public toilets and notices**

10. 1) A person must not do any act or thing which causes, or is likely to cause, any damage, destruction or disfigurement to any building, public toilet facility, fence, gate, notice, structure or other work erected or placed in any park, recreation ground, natural area or open space.

Penalty: 20 penalty units

- 2) For the purposes of sub-clause 1, damage or disfigurement includes drawing or writing on any building, public toilet facility, fence, gate, notice, structure or other work.

**Peaceable use of the parks, recreation grounds, natural areas and open spaces**

11. 1) A person must not do any act or thing which unreasonably interferes, or is likely to interfere with the peaceable use by the public of any park, recreation ground, natural area or open space.

Penalty: 5 penalty units

- 2) Sub-clause 1 does not apply to events organised by the Council or activities approved by the General Manager.

**Syringes and Sharps**

12. A person must not place, leave or drop any used or unused syringe or any other Sharp in or on any park, recreation ground, natural area or open space.

Penalty: 20 penalty units

**Limited access to certain places**

13. 1) A person must not enter or remain in: -
- a) any part of a park, recreation ground, natural area or open space declared by Council to be an area to which the public does not have a general right of access; or
  - b) any part of a park, recreation ground, natural area or open space at which a notice is exhibited prohibiting or restricting access to that part of the park, recreation ground, natural area or open space;

unless authorised to do so by permit or in company with an authorised officer.

Penalty: 5 penalty units



2) Sub-Clause 1 does not apply to an authorised person and/or Council employee entering or remaining in a park, recreation ground, natural area or open space in the course of their duties.

**Leasing**

14. 1) A person must obtain a permit to lease or hire any part of a park, recreation ground, natural area or open space.

Penalty: 2 penalty units

2) The Council may lease or hire any part of a park, recreation ground, natural area or open space upon such terms and conditions as may be approved by the General Manager or the Director of Parks and Customer Services.

**Entry into grounds when closed**

15. A person must not without a permit enter any park, recreation ground, natural area or open space or part of any park, recreation ground, natural area or open space if it is closed or leased or hired to any other person unless authorised to do so.

Penalty: 5 penalty units

**Sale of wares, chattels or property**

16. A person must not sell or offer for sale any wares, chattels or property, or undertake any fundraising activity, in any park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 5 penalty units

**Buildings, structures, obstructions and signs**

17. A person must not place, build, erect, set up or leave any building, structure or obstruction, sign or signage, of any kind or allow any building, structure or obstruction, sign or signage, to remain in any park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 5 penalty units

**Conduct of certain activities**

18. A person must not conduct any amusement or entertainment for financial reward in any park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 2 penalty units

**Encroachments**

19. A person unless authorised to do so by permit must not in a park, recreation ground, natural area or open space:



- a) Dump or store any material or substance;
- b) Landscape garden or undertake any other works; or
- c) Erect a fence.

Penalty: 20 penalty units.

**Activities which are prohibited in a children's playground**

20. 1) A person must not do any of the following in any place set apart by the Council as a children's playground: -

- a) fail to comply with the directions of an authorised Council employee or any signage displayed in the children's playground; or
- b) play any competition ball games; or
- c) misuse or damage any children's playground equipment; or
- d) use any children's playground equipment unless the person is of a suitable age for the use of the equipment.

Penalty: 2 penalty units for a breach of sub-clause a), b) or d); and 20 penalty units for a breach of sub-clause c)

**Playing or practising of golf in parks, recreation grounds, natural areas and open spaces**

21. A person must not play or practise golf or permit any person to play or practise golf on any park, recreation ground, natural area or open space, except where the park, recreation ground, natural area or open space has been designated by Council resolution for that purpose.

Penalty: 2 penalty units

**Regulation of games, sport and activities**

22. 1) A person must not engage in organised sporting or recreational activities in a park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 2 penalty units.

2) An authorised officer may give directions to any person playing or engaging in a game, sport or activity in any park, recreation ground, natural area or open space: -

- a) to regulate the playing or engaging in a game, sport or activity in any park, recreation ground, natural area or open space; or
- b) to avoid inconvenience or risk of danger to any person in a park, recreation ground, natural area or open space.

3) A person must not fail to comply with a direction by an authorised officer under sub clause 2.

Penalty: 2 penalty units

4) The Council may display a sign or notice prohibiting or restricting the playing or engaging in a game, sport or activity in any place in any park, recreation ground, natural area or open space.

5) A person must not fail to comply with a prohibition or restriction contained in a sign or

notice.

Penalty: 2 penalty units

**Use of televisions, radios and loud speakers**

23. A person must not, unless authorised to do so by permit, use or operate any television, radio, loudspeaker, tape recorder, compact disc player or any other method of amplifying or playing speech and/or music recorded or other wise in such a way as to annoy other people wishing to use any park, recreation ground, natural area or open space.

Penalty: 2 penalty units

**Damage to relics**

24. A person must not remove, damage, deface or disturb any brick, glass, coin, masonry, ceramics, aboriginal relic or any other object of architectural, archaeological, historical, or scientific interest in any park, recreation ground, natural area or open space unless authorised by permit.

Penalty: 20 Penalty units

**General Offences**

25. Unless authorised to do so by permit, a person must not undertake any of the following activities in any park, recreation ground, natural area or open space: -
- a) erect, exhibit, or display a notice, sign, bill, poster or advertisement; or
  - b) give out, distribute, scatter or throw down, a handbill, notice, placard, advertisement, book, paper or pamphlet; or
  - c) make or mark out a track or route; or
  - d) erect a cairn or memorial.

Penalty: 2 penalty units

**Deposit, discharge of noxious matter**

26. In any park, recreation ground, natural area or open space, a person must not : -
- a) deposit the dead body or any part of the body of any creature; or
  - b) deposit, discharge, or leave any faecal matter, offal, filth, dung or other noxious or polluting matter or thing.

Penalty: 20 penalty units

**Declared weeds**

27. A person must not bring into or be in possession of any plants listed as Declared Weeds under the *Weed Management Act 1999* in a park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 5 penalty units

**Division 3 - Control of Animals, Vehicles, Camping and fires****Control of Animals**

28. 1) A person who is the owner or keeper of: -

- a) any cat; or
  - b) any stock; or
  - c) any rabbit, hare, ferret or any other creature other than a dog or horse
- must not allow the animal to be in or to remain in any park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 5 penalty units

2) A person who is the owner or keeper of a dog or horse must not allow the dog or horse to be in or remain in a park, recreation ground, natural area or open space unless authorised to do so by sign displayed in the area, by permit, or as declared under the *Dog Control Act 2000*.

Penalty: 5 penalty units

**Feeding animals in parks, recreation grounds, natural areas or open space**

29. A person must not feed or allow the feeding of any animal or creature, other than a domestic pet, in a park, recreation ground, natural area or open space unless authorised to do so by permit.

Penalty: 2 penalty units.

**Seizing animals**

30. An authorised officer may –

- a) Seize any animal or creature in a park, recreation ground, natural area or open space that is –
  - i. in a park, recreation ground, natural area or open space contrary to this by-law; or
  - ii. causing or likely to cause danger to any person in a park, recreation ground, natural area or open space; or
  - iii. posing or likely to pose a risk to public health and safety.

**Control of Vehicles**

31. 1) A person must not drive a motor vehicle in a park, recreation ground, natural area or open space other than on a road unless authorised to do so by permit.

Penalty: 5 penalty units

2) A person must not park or leave any motor vehicle in any park, recreation ground, natural area or open space except within an area set aside by the Council as a parking area unless authorised to do so by permit.

3) The Council may display signs or notices prohibiting or restricting any person from driving or leaving any motor vehicle in a park, recreation ground, natural area or open space.

4) An authorised officer may:

- a) close any road or place in a park, recreation ground, natural area or open space;
- b) prohibit any motor vehicle from being taken or being allowed to remain on any road or place in a park, recreation ground, natural area or open space;
- c) require any motor vehicle to be removed from any road or place in a park, recreation ground, natural area or open space.

5) An authorised officer may require the driver of any motor vehicle within a park, recreation ground, natural area or open space to stop so that the directions set out in subclause 4 may be given.

6) A person must not drive a motor vehicle on a road in a park, recreation ground, natural area or open space that has been closed by a barrier unless authorised to do so by permit.

Penalty: 5 penalty units

7) A person must comply with any reasonable direction of an authorised officer under this clause.

Penalty: 2 penalty units

#### **Aircraft**

32. A person must not land or launch an aircraft in any park, recreation ground, natural area or open space unless authorised to do so by permit or in case of emergency.

Penalty: 10 penalty units

#### **Skateboards and Bicycles**

33. 1) A person must not use a skateboard in any park, recreation ground, natural area or open space other than on or in a specifically designed facility determined suitable by the Council.

Penalty: 2 penalty units.

2) A person must not use a bicycle in any park, recreation ground, natural area or open space other than on a track or cycleway determined suitable by the Council.

Penalty: 2 penalty units

3) The Council may display signs or notices in a park, recreation ground, natural area or open space prohibiting or restricting the riding of skateboards or bicycles.

4) A person must not fail to comply with a prohibition or restriction contained in a sign or notice displayed under sub-clause 3).

Penalty: 2 penalty units.

**Safety gear**

34. 1) A person using a skate board in or on a specifically designed facility in accordance with Clause 33 is to wear safety gear as may be deemed appropriate by the General Manager.
- 2) The Council may display signs in or near a specifically designed facility setting out appropriate safety gear that is to be worn by persons using a skateboard in or on that facility.
- 3) A person must comply with a reasonable direction displayed in a sign under sub-clause 2.

Penalty: 2 penalty units.

- 4) A person riding a bicycle in accordance with Clause 33 must wear an approved bicycle helmet as required by the *Traffic (Road Rules) Regulations 1999*.

Penalty: 2 penalty units.

**Power to stop vehicles**

35. 1) An authorised officer may require the driver or user of a vehicle in a park, recreation ground, natural area or open space to stop the vehicle where the authorised officer believes on reasonable grounds that the driver, user or the occupants of the vehicle have committed an offence under this by-law.
- 2) A person who is the driver or user of a vehicle must not fail or refuse to stop or comply with a direction from an authorised officer to stop.

Penalty: 20 penalty units

**Camping**

36. 1) A person must not camp in a park, recreation ground, natural area or open space, or in a car-park adjoining or near a park, recreation ground, natural area or open space, unless authorised to do so by permit.

Penalty: 2 penalty units and 1 penalty unit for each day during which the offence continues.

- 2) The Council may display signs or notices in a park, recreation ground, natural area or open space prohibiting or restricting the use of any site for camping.
- 3) A person must not fail to comply with a prohibition or restriction contained in a sign or notice displayed under sub-clause 2.

Penalty: 5 penalty units

**Fires**

37. 1) The Council may determine which fire places in parks, recreation grounds, natural areas and open spaces are to be designated fire places.
- 2) A person, unless authorised to do so by written authority, must not light a fire in any park, recreation ground, natural area or open space except -

- a) where they are an authorised person or officer;
- b) in a designated fire place in a careful manner for cooking or warmth; or
- c) in an emergency.

Penalty: 20 penalty units

3) The Council may display signs or notices in a park, recreation ground, natural areas or open space prohibiting or restricting the lighting of fires, or giving directions as to the precautions to be observed in connection with the lighting of fires in the park, recreation ground, natural area or open space.

4) A person must not fail to comply with a prohibition or restriction contained in a sign or notice displayed under subclause 3.

Penalty: 20 penalty units

5) If a fire is lit in a park, recreation ground, natural area or open space pursuant to subclause 2 the person who lit the fire or any person who uses the fire for any purpose must: -

- a) not leave the fire unattended until it has been completely extinguished; and
- b) take all reasonable steps to prevent the fire from spreading.

Penalty: 20 penalty units

#### ***Division 4 - General Powers***

##### **Power to close parks, recreation grounds, natural areas and open spaces**

38. The General Manager or Director Parks and Customer Services may close the whole of or any part of a park, recreation ground, natural area or open space at any time for any reason deemed appropriate by them.

##### **General powers of authorised officers**

39. 1) An authorised officer may give directions to any person in relation to their use or treatment of or presence in or near a park, recreation ground, natural area or open space.

2) A person must not fail to comply with a reasonable direction from an authorised officer under sub-clause 1).

Penalty: 3 penalty units.

### **PART 3 - POWERS OF COUNCIL AND POLICE OFFICERS**

#### **Removal from Council Property**

40. (1) Any authorised officer may:

- a) remove any person from any park, recreation ground, caravan park, playground, natural area, open space or other Council property whom the authorised officer reasonably believes has committed or who is committing an offence under this by-

law.; and

- b) remove anything which is in any park, recreation ground, caravan park, playground, natural area, open space or other Council property without the approval of the Council.

(2) A police officer is authorised to:

- a) assist an authorised officer to carry out any action under clause (1) above; and
- b) arrest any person who is in any park, recreation ground, caravan park, playground, natural area, open space or other Council property whom the police officer reasonably believes has committed or who is committing an offence.

## PART 4 - PERMITS AND LICENCES

41. 1) The Council may grant a permit, licence or written authority for any purpose under this by-law.

2) Any application for a licence, permit or written authority pursuant to this by-law is to be in writing and where applicable be accompanied by the following: -

- a) a statement in writing of the type of activity proposed to be undertaken by the applicant; and
- b) a scaled drawing showing the location and extent of the proposed occupation; and
- c) in the case of an application that involves the sale of food or articles of food, a certificate from the Manager Environmental Health, certifying that the method and manner of selling proposed is to the satisfaction of the Manager Environmental Health; and
- d) such other information that the General Manager may reasonably require.

3) The permit, licence or written authority must specify the authority granted by the permit, licence or written authority and may be subject to any or all of the following conditions: -

- a) the period during which the authority may be exercised;
- b) the manner in which the authority may or may not be exercised;
- c) the precautions to be observed during the exercise of the authority;
- d) the requirement for supervision or control of the exercise of the permit;
- e) the disposal of or other dealings with any wildlife or plants;
- f) the record to be kept or notification to be given in relation to the exercise of the authority;
- g) evidence of current public liability insurance or other relevant insurance cover that is sufficient to cover the relevant period of authority and the specific event, occupation or use of the park, recreation ground, natural area or open space;
- h) the payment of a bond as an indemnity to cover any damage to Council property or any cleaning required;
- i) acceptance of responsibility for any damage to or loss of Council property as a result of the event, occupation or use;
- j) payment of any specified fee;
- k) the erection of appropriate advisory and safety signage and barricading for the purposes of holding an event in any park, recreation ground, natural area or open space.

4) Licences, permits or written authorities issued under this by-law must be in writing and in the form of a letter, facsimile, email or other document approved by the General Manager.

5) In deciding whether or not to grant a licence, permit or written authority pursuant to this Division the General Manager or his nominee may have regard to the following and any other relevant matters: -



- i. the type of activity proposed; and
- ii. the location of that activity; and
- iii. any comments made in relation to the application by an employee of the Council.

6) A permit, licence or written authority under this by-law may be issued under such terms and conditions as the Council may consider appropriate.

7) The holder of a licence, permit or written authority issued pursuant to this Division must comply with the terms and conditions thereof.

Penalty: 1 penalty unit

8) Any application for a permit, licence or written authority under this by-law is to be made at least 30 days before the day for which the application is being made, or within such other period as may be approved by the General Manager.

## PART 5 - INFRINGEMENT NOTICES

42. (1) In this clause –

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

(2) An infringement notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 is the penalty payable under the infringement notice for that offence.

(3) An authorized officer may –

- a) issue an infringement notice to a person who the authorized officer has reason to believe is guilty of a specified offence; and
- b) issue one infringement notice in respect of more than one specified offence.

(4) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this by-law.

(5) In addition to any other method of service, an infringement notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.

## PART 6 – RECTIFICATION OF BREACHES AND RECOVERY OF EXPENSES

### Offending person to rectify damage or breach

43. 1) An authorised officer may order a person to remove any thing, item or structure which offends against this by-law or to rectify any damage or other offence under this by-law.

2) If a person fails to comply with an order under sub-clause 1 to the satisfaction of the General Manager the Council may remove or rectify the offence and recover the costs of that removal or rectification from the person/s who committed the offence as a debt payable to the Council.

**Council may rectify damage or breach**

44. 1) The Council may rectify a breach of this by-law, including any damage to Council property, and may remove any thing, item or structure which offends against this by-law without ordering the offending person to undertake the rectification works.

2) The Council may recover the costs of any rectification works undertaken under sub-clause 1 from the person/s who caused the damage or otherwise offended against this by-law as a debt payable to the Council.

**SCHEDULE****1. INFRINGEMENT NOTICE OFFENCES**

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY
		(Penalty units)
4	Interference with or harm to wildlife	5
5	Harm or interference with vegetation	5
6	Interference with soil and material	5
7	Using a firearm or missiles	2.5
8	Possession of firearm, axe, hatchet saw in parks	0.5
9	Damage to the park, recreation ground or natural area	2.5
10(1)	Damage to structures, public toilets and notices	5
11(1)	Unreasonable interference with peaceable use	1.25
12	Leaving syringe or sharp	5
13(1)	Unauthorised access to park	1.25
14(1)	Illegal Leasing	0.5
15	Entry when closed	1.25
16	Selling wares, chattels or property	1.25
17	Building structure, obstructions and signs	1.25
18	Conduct of amusement for financial reward without authorization	0.5
19	Dumping material, landscaping, fencing	5
20(1)(a),(b) & (d)	Prohibited activities in children's playground	0.5
20(1)(c)	Damage and misuse of playground equipment	5
21	Playing of golf	0.5

22(1)	Unauthorised organized sport	0.5
22(3)	Failure to comply with authorized officer's instructions	0.5
22(5)	Failure to comply with prohibition on sign	0.5
23	Use of televisions, radios and loud speakers	0.5
24	Damage to relics	5
25	General offences	0.5
26	Depositing or discharging noxious matter	5
27	Possessing declared weeds	1.25
28(1)	Animal in park without permit	1.25
28(2)	Dog or horse without signage	1.25
29	Feeding animals	0.5
31(1)	Driving motor vehicle other than on road	1.25
31(6)	Driving where closed by barrier	1.25
31(7)	Non compliance with direction by authorized officer	0.5
32	Landing or launching of aircraft	2.5
33(1)	Use of skateboard where not specifically designed	0.5
33(2)	Use of bicycle other than on track	0.5
33(4)	Failure to comply with prohibition in sign	0.5
34(3)	Non compliance with direction in sign	0.5
34(4)	Failure to wear helmet while riding a bicycle	0.5
35(2)	Failure to stop or comply with direction of authorized officer	5
36(1)	Camping	0.5
36(3)	Failure to comply with prohibition in sign	1.25
37(2)	Unauthorised lighting of fires	5
37(4)	Failure to comply with prohibition in sign	5
37(5)	Leaving fire unattended and not preventing spreading	5
39(2)	Failure to comply with direction from authorized officer	0.75
41(7)	Non compliance with permit	0.25

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



N.D. HEATH  
City Solicitor

Dated this 26<sup>th</sup> day of August 2008  
At Hobart

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



V.B. ARMSTRONG  
General Manager

Dated this 26<sup>th</sup> day of August 2008  
At Hobart

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



R.H.F. VALENTINE  
Lord Mayor



V.B. ARMSTRONG  
General Manager

**Rules Publication***Rules Publication Act 1953***NOTICE OF THE MAKING OF STATUTORY RULES**

In accordance with the provisions of the *Rules Publication Act 1953*, notice is given of the making of the following statutory rules:—

Title of Act (if any) under which statutory rules made	Number allotted to statutory rules	Title or subject matter of statutory rules
(1) <i>Poisons Act 1971</i>	S. R. 2008, No. 103	<i>Poisons List Amendment Order (No. 2) 2008</i>

**GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES***(1) Poisons List Amendment Order (No. 2) 2008*

This order amends the *Poisons List Order 2001* by incorporating changes recommended by the National Drugs and Poisons Schedule Committee in the Standard for the Uniform Scheduling of Drugs and Poisons No. 23, Amendment No. 1.

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

P. R. CONWAY, Chief Parliamentary Counsel.

**PARLIAMENTARY STANDING COMMITTEE ON SUBORDINATE LEGISLATION**

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

RUTH FORREST, MLC, Chairperson..

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