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Tasmanian Government Gazette

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Notices to Creditors

CLIFFORD JAMES HEALEY late of Strathaven Nursing Home Berriedale in Tasmania retired dry cleaner/married man who died on the twelfth day of December 2008: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executor Alan Joseph Healey c/- Blissenden Lawyers of 120 Main Road Moonah in Tasmania to send particulars to the said Executor on or before the fifteenth day of May 2009 after which date the Executor may distribute the assets having regard only to the claims of which the Executor then has notice.

Dated this fifteenth day of April 2009.

BLISSENDEN LAWYERS, Lawyers to the Estate.

HEDLEY FRANCIS STORAY late of 3 Brinkman Court Devonport in Tasmania retired builder divorced man deceased: Creditors and next of kin and others having claims in respect of the Estate of the said deceased who died on the thirtieth day of August 2008 at Meercroft Nursing Home Devonport in Tasmania are required by the Trustees Craig Francis Storay to send particulars to Probate Registry Supreme Court of Tasmania Hobart by the thirtieth day of April 2009 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this fifteenth day of April 2009.

TEMPLE-SMITH PARTNERS,
Solicitors for the Applicant.

GERALD CHARLES HUGO late of 28 Scotchtown Road Smithton in Tasmania retired master baker married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Gerald Charles Hugo who died on the eighth day of September 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 fifteenth day of May 2009 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this fifteenth day of April 2009.

KATHY COLDICUTT, Branch Manager.

SANDOR ALEXANDER SARFALVY late of 12 Bealey Avenue Lenah Valley in Tasmania married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Sandor Alexander Sarfalvy who died on the tenth day of January 2006 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 fifteenth day of May 2009 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this fifteenth day of April 2009.

LUCINDA VELDMAN, Senior Trust Administrator.

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 the late GLADYS ELIZABETH PENNICOTT of Rosary Gardens New Town in Tasmania may be granted to Raymond Leslie Pennicott of 28 Tecoma Road Risdon Vale in Tasmania son of the said deceased.

Dated this seventh day of April 2009.

PWB LAWYERS,
Solicitors for the Applicant.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to apply for Letters of Administration

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of CAROL MARIE BAXTER late of 301 Arve Road Geeveston in Tasmania never married home duties deceased intestate may be granted to Rosemary Louise Wilson of 3 Wilmot Road Huonville in Tasmania married solicitor the duly appointed attorney of Leslie James Baxter the lawful father of the said deceased.

Dated this fifteenth day of April 2009.

BAKER WILSON LAWYERS,
Solicitors for the Applicant.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Application to Reseal Probate

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof Beverley Dianne Hones of 67 Pelissier Street Somerset in Tasmania disability pensioner/spinster and Victoria Anne Parekura of 20 Bolton Place East Tamaki Auckland in New Zealand carer/married the Executors of the Will of ELIZABETH OLIVER HONES late of Unit 20/20 Banks Avenue Tweed Heads in New South Wales dinner lady/widow deceased to whom Probate of the said Will was granted by the Supreme Court of New South Wales on the nineteenth day of December two thousand and eight will apply to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that the Seal of the said Supreme Court of Tasmania be affixed to the said exemplification or Probate pursuant to Part VI of the *Administration and Probate Act 1935*.

Dated this fifteenth day of April 2009.

McGRATH & CO,
Solicitors for the Applicants.

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 DONNA LOUISE BEETON late of 10 Alexander Terrace Stanley in Tasmania office administrator/divorced woman deceased intestate may be granted to Kylie Anne Stokes of 201 Circular Road Ridgley in Tasmania dental assistant/married woman Amanda Louise Poke of 52 Sampson Avenue Smithton in Tasmania business proprietor/married woman and Leonard Roy Smith of 10 Alexander Terrace Stanley in Tasmania unemployed/single man the children of the said deceased.

Dated this eleventh day of April 2009.

SMITH & GLOVER LAWYERS,
Solicitors for the Applicant.

ADMINISTRATION AND PROBATE ACT 1935

Notice of Intention to apply for Letters of Administration (With the Will Annexed)

NOTICE is hereby given that after the expiration of fourteen days from the publication hereof application will be made to the Supreme Court of Tasmania in its Ecclesiastical Jurisdiction that Letters of Administration of the Estate of IRENE WHITTY late of Rosary Gardens Nursing Home 85 Creek Road New Town in Tasmania home duties deceased with the Will Annexed may be granted to Tasmanian Perpetual Trustees Limited. Tasmanian Perpetual Trustees Limited has been authorised to make this application pursuant to Section 8 of the *Trustee Companies Act 1953*.

Dated this fifteenth day of April 2009.

TASMANIAN PERPETUAL TRUSTEES LIMITED,
Solicitors for the Applicant.

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:—

CLARENCE HENRY CRAWFORD late of 12 Lewis Court
Lewisham in Tasmania Farmer/Sleeper Cutter Married
Man deceased

IDA KITTY WHITCHURCH late of 1/27 Las Vegas Drive
Prospect in Tasmania Home Duties/Married deceased

KEITH PATRICK KEOGH late of Guilford Young Grove
13 St Candice Avenue Sandy Bay in Tasmania Retired
Warehouse Storeman/Bachelor deceased

Dated this fifteenth day of April 2009.

PETER MALONEY, Chief Executive Officer,
The Public Trustee.

Industrial Relations

INDUSTRIAL RELATIONS ACT 1984

Notice of the Correction Order of Award

NOTICE is hereby given of the Correction Order by the Tasmanian Industrial Commission of the Following Award:

Name of Award	Award No.	Date Made
Tasmanian State Service.....	Correction Order	07.04.09

Dated the fifteenth day of April 2009.

A. T. MAHONEY, Registrar.

INDUSTRIAL RELATIONS ACT 1984

Notice of the Rescission of Award

NOTICE is hereby given of the rescission by the Tasmanian Industrial Commission of the Following Award:

<i>Name of Award</i>	<i>Award No.</i>	<i>Date Rescinded</i>
Fire Service.....	1/2009	01.04.09

Dated the eighth day of April 2009.

A. T. MAHONEY, Registrar.

Threatened Species

THREATENED SPECIES PROTECTION ACT 1995:

FINAL DECISION FOR LISTING THREATENED SPECIES ONTO OR DELISTING FROM THE SCHEDULES OF THE THREATENED SPECIES PROTECTION ACT 1995:

I HEREBY give notice under Section 21(3) of the *Threatened Species Protection Act 1995*, that I have made the following decisions under Section 21(1) of the Act:

Species	Common Name	Decision
<i>Polystichum vestitum</i>	prickly shieldfern	List on Schedule 3 (Endangered)
<i>Poa cookii</i>	cooks tussockgrass	List on Schedule 3 (Endangered)
<i>Nematoceras sulcatum</i>	grooved helmet-orchid	List on Schedule 3 (Endangered)
<i>Nematoceras dienemum</i>	windswept helmet-orchid	List on Schedule 4 (Vulnerable)

NOTICE OF INTENTION TO MAKE AN ORDER UNDER SECTIONS 13(5) AND 14(2) OF THE THREATENED SPECIES PROTECTION ACT 1995:

Acting on behalf of the Minister, I hereby give notice under section 14(2) of the Act that the Minister proposes to make an Order under Section 13(5) of the Act, whereby the above taxa is to be either added, amended or deleted from Schedules 3, 4 and 5 of the Act.

Dated this fifteenth day of April 2009.

KIM EVANS, Secretary.

State Policies and Projects

STATE POLICIES AND PROJECTS ACT 1993

RESOURCE PLANNING AND DEVELOPMENT COMMISSION

PURSUANT to Section 11(2) of the *State Policies and Projects Act 1993*, and in accordance with the written directions issued by the Premier on 28 May 2008, the Resource Planning and Development Commission advises that it has provided its final report to the Premier on the Draft State Policy on the Protection of Agricultural Land.

Copies of the report can be inspected at the Commission's office at Level 3, 144 Macquarie Street, Hobart or on the Commission's website: www.rpdc.tas.gov.au

Inquiries concerning access to the report may be made by phone on (03) 6233 2795, facsimile on (03) 6233 5400, or email on enquiry.rpdc@justice.tas.gov.au

GREG ALOMES, Executive Commissioner.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 18)

IN PURSUANCE of Section 18 of the *Land Acquisition Act 1993*, I, WARRICK PETER COVERDALE, Valuer-General acting as a delegate of the Minister of the Crown for the time being administering the *Land Acquisition Act 1993* do hereby declare that the land in the Schedule hereto is taken and vested in the Crown absolutely under the said Act for road purposes.

Given under my hand this sixth day of April 2009.

W.P. COVERDALE, Valuer-General.
Department of Primary Industries and Water,
144 Macquarie Street, Hobart.

Schedule

All that 1,419m² of land situate in the Parish of Taroona Land District of King Island being Lot 1 on Plan of Survey P156615 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 130640 Folio 3 of which Whalebone Beach (King Island) Pty Ltd is the registered proprietor.

Location: King Island Main Road, Loorana - Porky Creek Bridge Replacement

Municipal Area: King Island

(10-67-35)

Cities / Councils

LAUNCESTON CITY COUNCIL
Swimming Centres
BY-LAW NO. 3 of 2009

A By-Law of the Launceston City Council, made under section 145 of the Local Government Act 1993 for the regulation of Swimming Centres controlled or managed by the Launceston City Council.

PART 1 - PRELIMINARY

1. Repeal

The following by-laws are repealed;

- (a) By-Law Number 14, notified in the Tasmanian Government Gazette on March 3, 1999 on page 225; and
- (b) By Law Number 17, notified in the Tasmanian Government Gazette on October 10, 2001 on page 1358.

2. Short title

This by-law may be cited as the Swimming Centres By-Law, Number 3 of 2009.

3. Application

This by-law applies to all Swimming Centres controlled or managed by the Launceston City Council.

4. Interpretation

In this by-law, unless a different intention appears:

"Attendant" means an employee or agent of the Council who works at a Centre;

"Authorised officer" includes Shift Leader, Customer Liaison Officer, Operations Coordinator, Duty Manager, Manager of Launceston Aquatic, Security Officer, Senior Lifeguard and Parking Officer, as approved in writing by the General Manager, and a member of Tasmania Police;

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

“CCTV” means a closed circuit television visual surveillance and recording technology system with the capability to monitor environments and activities;

“Commercial Activity” means any activity in a Centre from which a person, body corporate, registered business or other organisation receives money which does not become profits of a Centre;

"Council" means the Launceston City Council;

“General Manager” means the person holding the position of General Manager with the Council;

"Manager" means the person holding the position of the Manager of Launceston Aquatic with the Council or a person acting in that position;

“parking area” means an area allocated by Council for parking vehicles;

"Pool" means any swimming pool or recreational body of water, slide or spa within a Centre;

“Penalty unit” means a sum prescribed under the provisions of *the Penalty Units and Other Penalties Act 1987*;

“Published” in a Centre means:

- (a) displayed on a notice board or sign;
- (b) available in hardcopy; and
- (c) available on Council’s internet site.

“Polluting Substance” means in any pool in a Centre:

- (c) faeces;
- (d) urine;
- (e) blood;
- (f) vomit;
- (g) detergents;
- (h) food and beverages; or
- (i) any other substance deemed to be a polluting substance by an authorised officer.

“Security Officer” means a licensed security officer who is employed by a recognized security company and contracted by Council to provide security services in a Centre.

“Shift Leader” means a person nominated by the Manager to act in a supervisory capacity for the length of their shift at a Centre.

PART 2 - ENTRY TO CENTRE

5. Conditions of Entry

- (1) A person must comply with the published Conditions of Entry of a Centre.

Penalty: a fine not exceeding 5 penalty units

- (2) 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 clause; and
 - (b) is on land owned by, or under control of the Council.

6. Closed Circuit Television

- (1) A person who enters a Centre, or in the case of a person under the age of consent, their guardian, is deemed to consent to having their image captured by CCTV whilst in a Centre.
- (2) Council may use any images captured by CCTV for investigatory and/or management purposes.

PART 3 - CLOSING A CENTRE

7. Closure of pool

- (1) A Duty Manager or a Shift Leader may close a pool or any part of a pool or other facility in a Centre.
- (2) A person must not use a pool, part of a pool or other facility if it is closed.

Penalty: a fine not exceeding 5 penalty units.

PART 4 - UNACCEPTABLE BEHAVIOUR

8. Damage to Council property

- (1) A person must not willfully damage any equipment, furniture, building or other part of a Centre.

Penalty: a fine not exceeding 5 penalty units.

- (2) 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 clause; and
 - (b) is on land owned by, or under control of the Council.

9. Climbing

A person must not climb or attempt to climb on a tree or a fence or a roof or other part of a building or permanent or temporary structure in a Centre.

Penalty: a fine not exceeding 5 penalty units.

10. Substances in a pool

A person must not put any polluting substance in a pool at a Centre.

Penalty: a fine not exceeding 5 penalty units.

11. Infectious Diseases

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

Penalty: a fine not exceeding 6 penalty units.

12. Prohibited conduct

- (1) A person must not in a Centre:
- (a) be under the influence of alcohol or drugs; or
 - (b) spit; or
 - (c) use threatening or offensive language; or
 - (d) act in a disorderly or indecent manner; or
 - (e) be unreasonably noisy; or
 - (f) run;
 - (g) behave in a way that places themselves or others at risk; or
 - (h) smoke.

Penalty: a fine not exceeding 6 penalty units.

- (2) A police officer may arrest without warrant a person who:

- (a) he or she believes on reasonable grounds to have committed an offence against clause 12(1)(a), 12(1)(c) or 12(1)(d); and
- (b) is on land owned by, or under control of the Council.

13. Use of Cameras in Change Rooms

- (1) A person must not use a camera, video camera, mobile telephone camera or any other device that records still or moving images in any change room in a Centre.

Penalty: a fine not exceeding 10 penalty units.

- (2) 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 clause; and
 - (b) Is on land owned by, or under control of the Council.

14. Abuse of authorised officers

- (1) A person must not threaten, intimidate or use abusive language to an authorised officer acting in the course of their employment in a Centre.

Penalty: a fine not exceeding 10 penalty units.

- (2) 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 clause; and
 - (b) is on land owned by, or under control of the Council.

15. Supply of Name and Address

- (1) Where a police officer or authorised officer becomes aware that, or has reasonable grounds for believing that, a person has committed or is committing an offence against this by-law, he or she may require that person to state their name and permanent or temporary address, and a person who fails or refuses to comply with such a requirement or, in response to such a requirement, states a name or address that is false, is guilty of an offence.
- (2) A police officer making a requirement under clause (1) may arrest, without warrant, a person who fails to comply with that requirement or who, in response to the requirement, gives a

name or address that the police officer has reason to believe is false.

Penalty: a fine not exceeding 5 penalty units

PART 6 – OTHER MATTERS

16. Coaching

A person must not instruct or coach a person at a Centre without written permission from the Manager.

Penalty: a fine not exceeding 5 penalty units.

17. Distribution of advertisement

A person must not distribute or arrange to be distributed any advertisement, book, card, notice, pamphlet, print, paper or placard in a Centre without written permission from the Manager of a Centre.

Penalty: a fine not exceeding 5 penalty units

18. Fundraising

A person or body corporate must not carry on any fundraising activity at a Centre without written permission from the Manager of a Centre.

Penalty: a fine not exceeding 5 penalty units

19. Commercial Activity

Commercial activity must not be carried on at a Centre unless that commercial activity is approved in writing by the Manager of a Centre.

Penalty: a fine not exceeding 5 penalty units

PART 7 - ENFORCEMENT

20. Refusal of admission

- (1) If a person breaches this by-law an authorised officer may either:
 - (a) refuse to admit a person to a Centre; or

- (b) ask a person to leave a Centre for a specified length of time.
- (2) An authorised officer may issue a prohibition notice banning a person from entering a Centre for the period of the ban.
- (3) The Manager may withdraw a ban on a person attending a Centre.
- (4) A person who has been told not to use a Centre for a period of time must not enter a Centre during that period.

Penalty: a fine not exceeding 5 penalty units.

- (5) 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 clause; and
 - (b) is on land owned by, or under control of the Council.
- (6) Council may still prosecute a person for breach of this by-law if the person leaves a Centre after having been requested to do so.

21. Removal from a Centre

- (1) An authorised officer may remove any person from a Centre if the person commits an offence against this by-law or is reasonably believed by the authorised officer to be offending against this by-law.
- (2) A police officer may assist an authorised officer to remove a person if an authorised officer who is a Council employee reasonably believes that the person is offending against this by-law.

22. Recovery of Expenses

In addition to any penalty imposed on a person in relation to a failure to comply with this by-law, an expense incurred by Council in consequence of that failure is recoverable by Council as a debt payable by the person so failing to comply.

23. Infringement notices and fines

- (1) 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;
 - (c) impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
- (2) Infringement notices may be issued in respect of the offences specified in Column 1 of the Schedule to this By-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
- (3) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action, the person issued with an infringement notice must either:
 - (a) pay the total amount of the monetary penalty stated on the infringement notice to; or
 - (b) lodge a notice of election to have the offence heard by a Court with the General Manager at the Town Hall, St John St Launceston within 28 days of the date of service of the notice.
- (4) An infringement notice alleging that a vehicle has been used in relation to a prescribed offence may be served by affixing it to that vehicle.
- (5) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.

Schedule 1 Infringement Notice Offences

Clause	General Description of Offence	Penalty Units
5	Failure to comply with Conditions of Entry	1
7	Use of pool when closed	1
8	Causing damage to council property	2
9	Climbing on structures	1
10	Introduction of polluting substances into pool	1
11	Use of Pool with Infectious Disease	1
12	Prohibited conduct	1
13	Use of Cameras in Change Room	2
14	Abusing an authorised officer	1
15	Supply of Name and Address	1
16	Coaching without permission	1
17	Distribution of advertisement	0.5
18	Fundraising	0.5
19	Commercial Activity	2
20	Entry when admission refused	1
21	Removal from Swimming Centre	1

The Common Seal of the Launceston City Council was placed on this document this eighth day of April 2009.

The Common Seal of the Launceston City Council has been placed on this document pursuant to a resolution of Council on the thirtieth day of March 2009 in the presence of us:

Albert Van Zetten
MAYOR

Rosemary Armitage
DEPUTY MAYOR

Certified as being made in accordance with *Local Government Act 1993*

Frank Dixon
GENERAL MANAGER

Certified as being in accordance with the law.

Darryl Wright
REGISTERED LEGAL PRACTITIONER

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>Aboriginal Lands Act 1995</i>	S. R. 2009, No. 20	<i>Aboriginal Lands (Settlement Point Cemetery) Regulations 2009</i>
(2) <i>Traffic Act 1925</i>	S. R. 2009, No. 21	<i>Traffic (Compliance and Enforcement) Amendment (Novice Driver Licensing) Regulations 2009</i>
(3) <i>Vehicle and Traffic Act 1999</i>	S. R. 2009, No. 22	<i>Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Novice Driver Licensing) Regulations 2009</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) *Aboriginal Lands (Settlement Point Cemetery) Regulations 2009*

These regulations –

- (a) provide for the conduct, control and management of the Settlement Point cemetery by the Aboriginal Land Council of Tasmania; and
- (b) are made consequentially on the repeal of the *Aboriginal Lands (Settlement Point Cemetery) Regulations 1999* under section 11 of the *Subordinate Legislation Act 1992*.

(2) *Traffic (Compliance and Enforcement) Amendment (Novice Driver Licensing) Regulations 2009*

These regulations amend the *Traffic (Compliance and Enforcement) Regulations 2001* to reflect changes in terminology as a result of reforms relating to learner drivers and learner riders.

(3) *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Amendment (Novice Driver Licensing) Regulations 2009*

These regulations amend the *Vehicle and Traffic (Driver Licensing and Vehicle Registration) Regulations 2000* in relation to the requirements for the licensing of learner drivers.

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.

PETER 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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