



TASMANIAN GOVERNMENT GAZETTE

PUBLISHED BY
AUTHORITY
ISSN 0039-9795

WEDNESDAY 16 JUNE 2010

No. 21 065

CONTENTS

<i>Notice</i>	<i>Page</i>
Administration and Probate	1066
Certification of NPA Projects.....	1069
Cities/Councils.....	1070
Dangerous Substances (Safe Handling).....	1066
Government Notices	1066
Land Acquisition.....	1066
Notices to Creditors	1065
Rules Publication	1067
<i>Tasmanian State Service Notices</i>	<i>1085</i>

Notices to Creditors

CHRISTOPHER NOEL CLARKE late of 89 William Street Devonport in Tasmania retired textile mechanic married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Christopher Noel Clarke who died on the fourteenth day of May 2010 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 sixteenth day of July 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this sixteenth day of June 2010.

ANN SCOTT, Trust Administrator.

BRYAN SALISBURY COX late of 37 Duke Street Sandy Bay in Tasmania married deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Bryan Salisbury Cox who died on the eighth day of March 2010 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 sixteenth day of July 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this sixteenth day of June 2010.

REBECCA SMITH, Trust Administrator.

ELLA MARIE KEAN late of Fred French Nursing Home 9 Amy Road Launceston in Tasmania widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Ella Marie Kean who died on the eleventh day of December 2009 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 sixteenth day of July 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this sixteenth day of June 2010.

GLENDAL LEE, Trust Administrator.

ALLEN WILLSON SMITH late of NESM Hospital Scottsdale in Tasmania widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Allen Willson Smith who died between the eighth day of January and the ninth day of January 2010 are required by the Executor Tasmanian Perpetual Trustees Limited of 23 Paterson Street Launceston in Tasmania to send particulars

Tasmanian Government Gazette

Text copy to be sent to Print Applied Technology Pty Ltd.
Email: govt.gazette@thepat.com.au Fax: (03) 6216 4294
Mail: 123 Collins Street, Hobart TAS 7000

Order Information

When using this facility please ensure that your order and a copy of the material are faxed to Print Applied Technology Pty Ltd on (03) 6216 4294

Deadlines

All copy must be received by last mail Friday or 4pm Friday prior to publication. A proof will be emailed prior to publication. Please supply an email address in order for us to forward a proof. If your advertisement requires alterations, they are to be sent as soon as possible, but before 4pm on the Monday prior to publication. After this deadline Print Applied Technology Pty Ltd will not be held responsible for any errors and the advertisement will be printed.

Enquiries

Subscription and account enquiries phone (03) 6233 3148
Gazette Notice enquiries phone (03) 6233 6110

Out of Hours Special Gazette Notification

Out-of-hours notification for Special Gazettes phone (03) 6233 2690

to the said Company by the sixteenth day of July 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this sixteenth day of June 2010.

SUSAN McLAREN, Senior Trust Administrator.

STANISLAWA BERNACKI late of 13 Tenth Avenue West Moonah in Tasmania who died on the seventh day of April 2010: Creditors next of kin and others having claims in respect of the property of the abovenamed deceased are required by the Executors David Milne Whitehouse and Rebecca Sandra Reid of C/- Murdoch Clarke Solicitors of 10 Victoria Street Hobart in Tasmania to send particulars to the said Executors on or before the fifteenth day of July 2010 after which date the Executors may distribute the assets having regard only to the claims of which the Executors then have notice.

Dated this sixteenth day of June 2010.

MURDOCH CLARKE, Solicitors to the Estate.

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:—

BRUCE DESMOND QUINN late of 73 Allunga Street Chigwell in Tasmania retired security officer/bachelor deceased.

Dated this sixteenth day of June 2010.

Peter Maloney, Chief Executive Officer, Public Trustee.

Government Notices

CIVIL LIABILITY ACT 2002

NOTICE UNDER SECTION 27 OF THE CIVIL LIABILITY ACT 2002

FOR the financial year commencing 1 July 2010, the values of Amount A and Amount B for the purposes of section 27 of the *Civil Liability Act 2002* are specified to be:—

Amount A = \$5000

Amount B = \$25,000

Dated the ninth day of June 2010.

Lara Giddings MP, Minister for Justice.

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 DOROTHY MAY WICKHAM of the Manor Nursing Home Kings Meadows in Tasmania home duties/widow deceased intestate may be granted to Shane Edward Wickham of 104 Rowland Crescent Summerhill in Tasmania freight handler/married man the lawful son of the said deceased and Sharon Margaret Long of RSD Bridgenorth in Tasmania administration assistant/married woman Cheryl Dorothy Spicer of 5 Leander Drive Ravenswood in Tasmania cleaner/married woman and Vicki Maree Ashton of 365B Rosevears Drive Lanena in Tasmania extended care assistant/married woman the lawful daughters of the said deceased.

Dated the ninth day of June 2010.

RITCHIE & PARKER ALFRED GREEN & CO,
Solicitors for the Applicants.

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 ninth day of June 2010.

W. P. COVERDALE, Valuer-General,
Department of Primary Industries,
Parks, Water and Environment

SCHEDULE

All that 11.40ha, 2.085ha and 1.106ha of land situate in the City of Launceston being Lots 11, 12 and 18 respectively on Plan of Survey P158186 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 124900 Folio 1 of which Gerald Robert Archer is the registered proprietor.

Location: Dilston Bypass

Municipal Area: Launceston (22-08-55A)

Dangerous Substances (Safe Handling)

DANGEROUS SUBSTANCES (SAFE HANDLING) ACT 2005

NOTICE OF CLASSIFICATION OF A MAJOR HAZARD FACILITY

IN ACCORDANCE with section 30(1) of the *Dangerous Substances (Safe Handling) Act 2005*, and the delegation from the Secretary of the Department of Justice dated 15 January 2010, I, Roy Ormerod, General Manager of Workplace Standards Tasmania, following consultation with the occupier, classify the facilities listed below as a major hazard facility.

Occupier Trading As	Location	*GDA 94 Reference
BOC Limited	Westbury	E 485800 N 5404410

I am satisfied that-

- dangerous substances are, or are likely to be, handled at the facility in a greater than prescribed quantity; and
- a dangerous substances emergency at the facility could pose a risk to persons, property or the environment outside the facility.

Therefore, all the requirements of the Act which apply to major hazard facilities and, in particular, Part 4, apply to the abovementioned facilities.

This classification takes effect from 16 June 2010.

ROY ORMEROD, General Manager,
Workplace Standards Tasmania

*Geocentric Datum of Australia (also known as "the GOA" or "GOA 94") as defined in the Commonwealth Gazette No. GN 35 dated 6 September 1995.

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>Administrative Arrangements Act 1990</i>	S. R. 2010, No. 42	<i>Administrative Arrangements Order (No. 2) Amendment Order 2010</i>
(2) <i>Cooperatives Act 1999</i>	S. R. 2010, No. 43	<i>Cooperatives Order 2010</i>
(3) <i>First Home Owner Grant Act 2000</i>	S. R. 2010, No. 44	<i>First Home Owner Grant Regulations 2010</i>
(4) <i>Living Marine Resources Management Act 1995</i>	S. R. 2010, No. 45	<i>Fisheries (Infringement Notices) Amendment Regulations 2010</i>
(5) <i>Gaming Control Act 1993</i>	S. R. 2010, No. 46	<i>Gaming Control Amendment (Fees) Regulations 2010</i>
(6) <i>Health Act 1997</i>	S. R. 2010, No. 47	<i>Health (Fees) Amendment Regulations 2010</i>
(7) <i>Marine and Safety Authority Act 1997</i>	S. R. 2010, No. 48	<i>Marine and Safety (General) Regulations 2010</i>
(8) <i>Marine and Safety Authority Act 1997</i>	S. R. 2010, No. 49	<i>Marine and Safety (Infringement Notices) Amendment Regulations 2010</i>
(9) <i>Marine and Safety Authority Act 1997</i>	S. R. 2010, No. 50	<i>Marine and Safety (Safe Operations) Amendment Regulations 2010</i>
(10) <i>Right to Information Act 2009</i>	S. R. 2010, No. 51	<i>Right to Information Regulations 2010</i>
(11) <i>Seeds Act 1985</i>	S. R. 2010, No. 52	<i>Seeds Regulations 2010</i>
(12) <i>Water and Sewerage Industry (Community Service Obligation) Act 2009</i>	S. R. 2010, No. 53	<i>Water and Sewerage Industry (Community Service Obligation) Amendment Regulations 2010</i>
(13) <i>Workers Rehabilitation and Compensation Act 1988</i>	S. R. 2010, No. 54	<i>Workers Rehabilitation and Compensation Amendment Regulations 2010</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) *Administrative Arrangements Order (No. 2) Amendment Order 2010*

This order amends the *Administrative Arrangements Order (No. 2) 2010* by transferring the administration of the *TOTE Tasmania Act 2000* and the *TOTE Tasmania (Transitional and Consequential Provisions) Act 2000* from the Minister for Racing to the Treasurer.

(2) *Cooperatives Order 2010*

This order declares the *Co-operatives Act 1996* of Victoria to be a cooperatives law for the purposes of Part 14 of the *Cooperatives Act 1999*.

(3) *First Home Owner Grant Regulations 2010*

These regulations –

- (a) exclude certain persons from the application of section 15 of the *First Home Owner Grant Act 2000*; and
- (b) authorise protected information to be disclosed to persons employed in the Department of Treasury and Finance unless that information is likely to identify a particular applicant for a first home owner grant; and
- (c) are made consequentially on the repeal of the *First Home Owner Grant Regulations 2000* under section 11 of the *Subordinate Legislation Act 1992*.

(4) *Fisheries (Infringement Notices) Amendment Regulations 2010*

These regulations amend the *Fisheries (Infringement Notices) Regulations 2001* to remove the giant crab and rock lobster infringement notice provisions consequent on their inclusion in the *Fisheries (Giant Crab) Rules 2006* and the *Fisheries (Rock Lobster) Rules 2006*.

(5) *Gaming Control Amendment (Fees) Regulations 2010*

These regulations amend the *Gaming Control Regulations 2004* by rescinding some existing fees and prescribing some new fees and fee-related matters consequent on the enactment of the *Gaming Control Amendment Act (No. 2) 2009*.

(6) *Health (Fees) Amendment Regulations 2010*

These regulations amend the *Health (Fees) Regulations 2007* by increasing the fees payable for non-nursing-home care in public hospitals.

(7) *Marine and Safety (General) Regulations 2010*

These regulations –

- (a) prescribe certain lightweight craft as vessels for the purposes of the *Marine and Safety Authority Act 1997*; and
- (b) provide for the wearing of approved personal flotation devices by persons on certain lightweight craft and by persons being towed by motor boats.

(8) *Marine and Safety (Infringement Notices) Amendment Regulations 2010*

These regulations amend the *Marine and Safety (Infringement Notices) Regulations 2008* by –

- (a) prescribing further offences under the *Marine and Safety Authority Act 1997* as offences for which infringement notices may be issued; and
- (b) prescribing penalties for those infringement notice offences.

(9) *Marine and Safety (Safe Operations) Amendment Regulations 2010*

These regulations amend the *Marine and Safety (Safe Operation) Regulations 2003* by updating the list of life jackets that are approved for wear by persons, other than commercial divers, on certain commercial vessels.

(10) *Right to Information Regulations 2010*

These regulations –

- (a) prescribe the minimum information that must be contained in an application for an assessed disclosure of information; and
- (b) prescribe the minimum information that a public authority must provide to an applicant about the assessment procedure for such an application; and
- (c) declare certain laws to be corresponding laws for the purpose of the *Right to Information Act 2009*.

(11) *Seeds Regulations 2010*

These regulations, which are made consequentially on the repeal of the *Seeds Regulations 2000* under section 11 of the *Subordinate Legislation Act 1992*, prescribe –

- (a) prohibited seeds; and
- (b) the procedure relating to taking, testing and treating samples of seeds; and
- (c) schemes for testing, certifying and registering seeds, and procedures relating to such schemes.

(12) *Water and Sewerage Industry (Community Service Obligation) Amendment Regulations 2010*

These regulations amend the *Water and Sewerage Industry (Community Service Obligation) Regulations 2009* by halving the percentage by which the base amount for regulated entities may be increased for the 2010-2011 and 2011-2012 financial years.

(13) *Workers Rehabilitation and Compensation Amendment Regulations 2010*

These regulations amend the *Workers Rehabilitation and Compensation Regulations 2001* so as to prescribe a form for the purposes of section 33A of the *Workers Rehabilitation and Compensation Act 1988*, to prescribe a maximum amount payable for burials, cremations and family counselling, to permit discovery in respect of certain proceedings, to prescribe the class of persons who may assess industrial deafness, and to prescribe, and revoke the prescription of, certain offences as “infringement notice offences”.

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.

Certification of NPA Projects

CERTIFICATION OF 'NPA PROJECTS' BY THE PROJECT AUTHORITY S.12 of the *Nation Building and Jobs Plan Facilitation (Tasmania) Act 2009*

Notice is hereby given that I David Roberts as the Director of Housing under the *Homes Act 1995*, being satisfied of each and every one of the matters referred to in Section 12(1) of the *Nation Building and Jobs Plan Facilitation (Tasmania) Act 2009*, have certified each of the dwelling construction projects listed below.

In doing so, I fix and specify the relevant use and development for each project to be as specified in the applicable row of the column in the table below entitled 'Use and development associated with the project'.

What the project involves (nature and scope of the required works)	Exact site of project	Municipality	Use and development associated with the project	Certification No.
Construction of 11 new one-bedroom units	13 Chardonmay Drive Berridale Vol 118430 Folio 1	Glenorchy	11 single story units each with: 65m ² min floor space; 25m ² min. private open space; car parking spaces on the site with a shared concrete driveway. Primary use: residential	C-SH-044
Construction of 7 new one-bedroom units	281 Cambridge Road Mornington Vol 110763 Folio 2 and Vol 44417 Folio 4	Clarence	7 single story units each with: 65m ² min floor space; community living; a carport visitor car parking on the site with a shared driveway. Primary use: residential	C-SH-031

The proponent for these projects is:

The Crown in right of the State of Tasmania, as represented by the Department of Health and Human Services
GPO Box 125, Hobart Tas 7001
(03) 6233 9423

David Roberts
(as Project Authority)
Secretary, Department of Health and Human Services

Cities/Councils

DEVONPORT CITY COUNCIL**STREET TRADING BY-LAW
BY-LAW NO. 1 OF 2010**

This By-Law of the Devonport City Council is made under section 145, of the *Local Government Act 1993* (“the Act”) for the purpose of:

- a) regulating and licensing street trading on public streets.
- b) repealing By-Law No.1 of 2005 pursuant to section 154 of the Act and including street dining in this By-Law.

PART 1 - PRELIMINARY**Short title**

1. This By-Law may be cited as the Street Trading By-Law Number 1 of 2010.

Application

2. This By-law applies to street trading in the Devonport municipal area.

Interpretation

3. In this By-law, unless the contrary intention appears:-

‘**Alfresco dining**’ means the consumption of food or beverages or both by persons seated in an area that is part of a highway;

‘**Authorised Officer**’ means the General Manager and any person appointed by the Council as an officer for the purpose of this by-law;

‘**certificate of registration**’ means the certificate of registration under the Food Act 2003 issued with respect to the food business to which the application for a licence, or a licence, is related;

‘**Council**’ means the Devonport City Council;

‘**food business**’ has the same meaning as provided in the Food Act 2003;

‘**furniture**’ includes chairs, tables, trestles, umbrellas; screens, barriers, awnings, waste bins, planter boxes, heaters and portable lighting;

‘**highway**’ has the same meaning as under the *Local Government (Highways) Act 1982*;

‘**infringement notice**’ has the same meaning as under the Monetary Penalties Enforcement Act 2005

‘**licence**’ means a Street Trading Licence issued by an Authorised Officer under this by-law;

‘**licensee**’ means the person to whom a licence has been granted pursuant to this By-Law;

‘**penalty unit**’ means the sum as prescribed under the provisions of the *Penalty Units and other Penalties Act 1987*;

‘**premises**’ means the premises with respect to which a Street Trading Licence is issued;

‘**portable sign**’ means a free standing, portable advertising device, commonly known as a sandwich board sign;

‘**street rubbish bin**’ means a rubbish bin installed by the Council on the footpath.

‘stall’ means a movable or temporarily fixed structure, stand or table in, on or from which goods, wares, merchandise or services are sold or offered for sale;

‘street trading’ means selling or offering for sale goods, wares, merchandise or services in a street or other public place and includes displaying goods, wares or merchandise for the purpose of offering them for sale, inviting offers for sale, soliciting orders or carrying out any other transaction therein, and includes alfresco dining but does not include:-

the sale of food by an itinerant vendor under the authority of a temporary food licence under the Food Act 2003;

‘vehicle’ includes every conveyance, not being a train, boat, aircraft or wheelchair and every object capable of being propelled or drawn on wheels or tracks by any means.

PART 2 – LICENCES AND APPLICATIONS

4. Licences

1. No person shall carry on street trading in any street or public place unless that person-
 - a. Is the holder of a valid licence; and
 - b. Is acting in compliance with the requirements, terms and conditions of a current licence;
2. A licence is valid until the 30th day of June next after it is granted or until its revocation pursuant to this By-Law, whichever is earlier.

5. Applications for Licences

- (1) An application for a licence shall be in writing in the form set out in Schedule 1 Form 1 and shall –
 - include the full name and residential address of the applicant;
 - specify the location for which the licence is sought;
 - be accompanied by an accurate plan that shows the dimensions in square metres and description of any proposed stall, stand, furniture, structure, portable sign or vehicle which may be used for trading;
 - specify the proposed days and hours of trading;
 - specify the proposed goods, wares, merchandise or services in respect of which trading will be carried on;
 - where the applicant is a corporation specify the full name and address of the natural person who is to comply with the provisions of this By-Law;
 - every application should be forwarded to the Council four (4) weeks prior to the date(s) of proposed operation and
 - Be accompanied by a copy of a Certificate of Currency of Insurance for \$10 million Public and Product Liability Cover; and
 - evidence that the insurance policy covers the proposed street trading area .plus
 - any other requirements, terms or conditions that the Council may consider appropriate; and
 - be accompanied by the fee as prescribed under the Fees and Charges Schedule of the Devonport City Council

(2) In the case of Alfresco Dining the application shall, in addition to those matters set out in sub- paragraph (1) include-

- a plan showing the location and dimensions of the proposed alfresco dining area and of the seating and other furniture and details of the placement of waste bins;
 - evidence of the proposed method for the disposal of waste
 - evidence that the applicant is the proprietor of a registered food business which complies with the requirements of the Food Act 2003
- (3) An Authorised Officer may grant a licence to the proprietor of a business or in the case of Alfresco Dining, to the proprietor of a food business on such terms and conditions as the Authorised Officer thinks fit.
- (4) The Authorised Officer may refuse to grant a licence and is to advise the applicant in writing of the reasons for the refusal.
- (5) The granting of a licence only permits the licensee to provide street trading in the area of the highway as designated in the licence.

6. Licences and Renewals

- (1) A licence shall be in the form of Schedule 1 Form 2 and shall specify-
- the full name and residential address of the licensee;
 - the licence number
 - the dates of issue and expiration of the licence;
 - the place to which the licence applies;
 - the number type, form and construction as the case may be for any stall, stand, furniture, structure, portable sign or vehicle which may be used for trading;
 - the particulars of the goods, wares, merchandise or services in respect of which trading may be carried on;
 - in the case of a corporation the full name and address of the natural person specified under clause 5(1) of this By-law
 - the days and hours when trading may be carried on and
 - any other requirements, terms or conditions that the Council may consider appropriate.

7. Council May Refuse to issue a Licence

The Council may refuse to issue a licence if:-

- The applicant has committed a breach of this By-Law.
- The proposed activity or place of trading in the opinion of the Council is undesirable;
- The proposed service, stall, stand, furniture, structure, portable sign or vehicle is in the opinion of Council unsuitable in any respect to the location for which the licence is sought;
- It has not been provided with a Certificate of Currency for a policy of insurance in the name of the applicant or licensee and the City of Devonport for public liability in a sum to be specified by Council.

- The application does not comply with the requirements of Clause 5 of this By-Law

8. Revocation of a Licence

- (1) An Authorised Officer may revoke a licence if the licensee does not comply with:
 - (a) the terms and conditions of the licence; or
 - (b) the provisions of this by-law.
- (2) An Authorised Officer:
 - (a) may revoke a licence immediately if a licensee breaches any clauses in this by-law; or
 - (b) is to give the licensee 2 days prior notice in writing of a revocation of the licence for any other breach of the terms and conditions of the licence.

9. Licence not Transferable

A licence is not transferable.

10. Street Trading Without a Licence

- (1) A person must not engage in street trading or cause or permit any service or allow any stall, stand, furniture, structure, portable sign or vehicle to be placed on a highway that could reasonably be used for street trading except in accordance with the conditions of a current licence or with the authority of the General Manager.
- (2) An Authorised Officer may issue an infringement notice for this offence.
- (3) An Authorised Officer may give written notice to the licensee that any stall, stand, furniture, structure, portable sign or vehicle placed on a highway in contravention of this By-Law must be removed within 24 hours.
- (4) If the proprietor does not remove any stall, stand, furniture, structure, sign or vehicle specified in the notice under Clause 10 (3), an Authorised Officer may remove the merchandise and store it in a safe location until any penalty or fine payable under this by-law together with the cost to Council of the storage has been paid to Council.

PART 3 - CONDITIONS

11. Conditions – In addition to any specific conditions imposed under Clause 5 (3) of this By-Law the following conditions apply to any licence

- (1) A licensee shall-
 - a) Display the current licence in a conspicuous place within the permitted place during the permitted hours of operation;
 - b) Keep the location and any stall, stand, furniture, structure, portable sign or vehicle specified in his or her licence in a clean, safe condition, in good repair and free from rubbish;
 - c) On demand produce his or her licence to any authorised officer or any police officer;
 - d) Remove any stall, stand, furniture, structure, vehicle, goods, wares, merchandise and portable signs from the location to which the licence applies and leave that location clean and vacant –
 - (i) each day at the conclusion of the permitted hours of operation specified in his or her licence; and

(ii) whenever trading is not taking place on the location to which the licence applies

(2) A licensee shall not-

- a) Cause, permit or suffer any nuisance to exist, arise or continue on or from the location to which the licence applies;
- b) Deposit, place or store any goods, wares or merchandise on any street or other public place other than at the location to which the licence applies;
- c) Obstruct the free passage of pedestrians on any footpath;
- d) Create any noise or disturbance at the location to which the licence applies to the annoyance of occupants of nearby premises or passers-by;
- e) Use or permit to be used any flashing or intermittent lighting apparatus or device on or from the permitted place specified in the licence.

12. Alfresco Dining – In addition to any specific conditions imposed under Clauses 5 (3) and 11 of this By-Law the following conditions apply to any Licence which includes Alfresco Dining.

The licensee must ensure that:

- 1) the licensed alfresco dining area and the area immediately adjacent to it is at all times kept in a clean, tidy and sanitary condition; and
- 2) any area between the premises and the licensed alfresco dining area is kept in a clean and sanitary condition and is kept safe for the passage of pedestrians.
- 3) the licensee does not use existing street rubbish bins for the disposal of table waste.
- 4) without limiting what is required in order to comply with Clause 12(1) of this by-law, the licensee must:
 - a) regularly empty waste bins, and
wash the pavement at least daily; and
 - b) immediately a table is vacated clean and wash away any liquid, food debris, broken glass, cigarette butts or waste from the area; and
 - c) immediately remove all materials that might cause a pedestrian to slip or trip; and
keep the area free from obstacles.
 - d) have and maintain in the licensee's premises, kitchens licensed by the Environmental Services Department under the Food Act 2003 and Food Safety Standards

PART 4 - MISCELLANEOUS

13. Insurances

- (1) An applicant for a licence and a licensee is to take out and maintain at all times public and products liability insurance that covers the area designated for street trading before the applicant is issued with a licence.
- (2) The insurance cover is to be for the minimum sum of \$10 million and be in a form acceptable to the Council and with an insurer acceptable to the Council.

- (3) A licensee must produce the insurance policy required under Clause 13(1) to an Authorised Officer within 48 hours of request for the same.
- (4) An Authorised Officer may issue an infringement notice for this offence; and
- (5) An Authorised Officer may revoke a licence immediately if:
 - (a) a licence holder has refused to allow an Authorised Officer to view a relevant insurance policy or Certificate of Currency; or
 - (b) the insurance cover lapses or ceases to cover the area designated for street dining during the term of the licence.

14. Indemnity

A licensee must at all times indemnify and keep indemnified the Council against liability for any loss or damage to any property or any damages, moneys, costs, expenses, actions and claims arising out of personal injury to any person made or sustained against the Council where such loss, damages, moneys, costs, expenses, actions and claims arise from any cause whatsoever other than the negligence of the Council or its servants or agents.

15. Offences

- (1) A person who breaches or fails to comply with any term or condition imposed in or applicable to the licence under clause 5 (3), 11 and 12 of this By-Law is guilty of an offence under this by-law.
- (2) A person who breaches any other provision of this by-law is guilty of an offence under this by-law.
- (3) The penalty for an offence under this By-law shall be a fine not exceeding 3 penalty units and in the case of a continuing offence a daily fine not exceeding 1 penalty unit
- (4) A person who breaches this by-law or any condition imposed hereunder may in addition to any other penalty be required to pay any expenses incurred by the Council in consequence of the breach of this By-Law.

16. Infringement Notices

- (1) In this clause –
 - “specified offence” means an offence against any provision of this by-law or any breach of any terms or conditions of a licence.
- (2) An infringement notice may be issued in respect of any breach of a provision of this by-law or any breach of any terms or conditions of a licence and the penalty payable on the infringement notice is 3 penalty units.
 - An infringement notice is sufficiently issued if it is:-
 - (a) given to the person apparently in charge of the business at the premises at the time of issue or
 - (b) affixed to the premises
- (3) An Authorised Officer may
 - (a) issue an infringement notice to a person who the authorised 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) All monies payable to the council or general manager in respect of an infringement notice are a debt to the council and recoverable by law.

17. Repeal

By-Law No. 1 of 2005 'Street Dining By-Law' is repealed pursuant to Section 154 of the Act.

SCHEDULE 1

Devonport City Council

FORM 1

44-48 Best St.
Devonport
Phone: 64240551

DEVONPORT CITY COUNCIL

APPLICATION FOR A STREET TRADING LICENCE

1. Applicant's full name:
2. Address of applicant:
3. Telephone Number:
4. Email:.....
5. Trading name of Business:
6. Address of Premises:
7. Indicate owner [] occupier [] of the premises.
8. Proposed days and hours of trading
Days:.....Hours:.....
9. Specify proposed goods, wares, merchandise or services in respect of which trading will be carried on:
.....
10. Dimensions m² of proposed area:.....

TYPE OF PERMIT REQUIRED

☐ A-frame sign ☐ Trade Goods ☐ Alfresco Dining ☐ Other

DOCUMENTS REQUIRED

☐ Insurance – Certificate of Currency (must show \$10 million public liability)

☐ Food premises Registration (required if applying for Alfresco Dining Area)

☐ Plan showing location of proposed street trading operation

11. Attach plan showing the location of the proposed street trading area, the number, type, form and construction as the case may be for any stall, stand, table, structure or vehicle which may be used for trading.

12. Brief description of street stall, stand, table, structure or vehicle proposed:

.....
Alfresco Dining

8.1 number of chairs 8.2 number of tables

8.3 colours of chairs & tables 8.4 number of umbrellas

8.5 colour of umbrellas

13. **Attach:**

(1) copy of a Certificate of Currency of Insurance for a minimum sum of \$10 million Public and Product Liability; and

(2) evidence that the policy covers the proposed street trading area.

14. Outline proposed method for the disposal of waste from Alfresco Dining Area.....

15. Annual Fee Calculated:

Fees associated with the issuing of a Street Traders licence are detailed in the Council's Schedule of Fees and Charges and are reviewed on an annual basis.

I/We apply for a licence pursuant to the Street Trading By-law, a copy of which I/We have read and agree and undertake with the Council that upon the issue of any licence pursuant to this application I/We will abide by the provisions of that By-law.

DECLARATION

The applicant named in this application form hereby agrees by signing this form to indemnify and to hold harmless the City of Devonport and/or its agents and each of them, from and against all actions, costs, claims, charges, expenses and damages whatsoever which may be brought or made or claimed against them, or any of them, arising out of or in relation to the Street Trading Licence (if issued in response to this application and during the period(s) that any further permit renewal applies.

Dated this day 20

Signature of Applicant/s.....

SCHEDULE 1**FORM 2****DEVONPORT CITY COUNCIL****STREET TRADING LICENCE****Licence No.:**

Name of Licensee/s:

Address of Licencee/s:

Site of Premises:

Location of licensed street trading area:

.....

Description of stall, stand, table, structure or vehicle to be licensed:

.....

Area m² to be licensed:

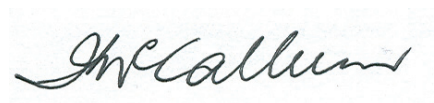
Alfresco Dining included / not included

Terms and Conditions under which the Premises are Registered and the License is granted:

Compliance with the Street Trading By-Law 2009**Compliance with the Street Trading Policy 2009****Notify Devonport City Council on any change of ownership.**

You may appeal against any of the conditions of licence/registration within 14 days of the date of issue, by writing to:

The Magistrate
Court of Petty Sessions
8 Griffiths Street
DEVONPORT 7310

This License will remain in force from the date of issue, expiring on the 30th June 2010.

Ian McCallum
GENERAL MANAGER
DEVONPORT CITY COUNCIL

Date:/...../20.....

FORM 3**DEVONPORT CITY COUNCIL****STREET TRADING INFRINGEMENT NOTICE**

Infringement Notice No.: Issue Date:/...../.....

Issued to (Full Names):

Address:

Address of Premises:

.....

It is alleged that at am/pm approximately on day, the
day of 20..... at

you/your firm were found to be in breach of the terms and conditions of the Street Trading Licence
No. issued on the day of200... with respect to the above
premises; and/or the provision of Council's Street Trading By-Law, namely

Particulars of Offence

Penalty Units

.....

.....

.....

Continuing Offence: a daily fine not exceeding one (1) Penalty Unit

1 Penalty Unit is worth \$

Name of Issuing Council Officer

Signature

.....

Position in Council

PROCEDURE FOR PAYMENT OF PENALTY

Make payments to:-

Council Office – 44-48 best Street, Devonport

Mon – Fri 8.30a.m. – 4.30 p.m.

THIS NOTICE MUST BE RETURNED WITH PAYMENT

Cheques and Money Orders should be crossed, Marked “Not Negotiable” and be made payable to Devonport City Council.

If paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured on presentation. Post dated cheques will not be accepted.

No receipt will be forwarded to you unless requested.

OPTIONS FOR DEALING WITH THIS INFRINGEMENT NOTICE

You must within 28 days of the date of this notice, do one of the following:

- Pay the penalty in the infringement in full;
- Apply to the General Manager for the withdrawal of the infringement notice;
- Apply to the General Manager for a variation of the payment conditions; or
- Lodge a notice of election in accordance with the Monetary Penalties Enforcement Act 2005 to have the offence(s) set out in the infringement heard and determined by a court.

DEEMED CONVICTION

If, after 28 days you have not lodged a notice of election for a court hearing and the infringement notice has not been withdrawn, you will be taken to be convicted of the offence(s) set out in the infringement notice. You will also be taken to have been convicted of the offence if you pay the penalty in part or in full.

ENFORCEMENT

If you are taken to be convicted and do not pay, either in full or as arranged under a variation of payment conditions, further fees will apply and the monetary penalty may be enforced under the Monetary Penalties Enforcement Act 2005.

ELECT A COURT HEARING

If you wish to have the offence(s) to which this infringement notice relates, heard and determined by a court, or you wish to argue that the penalty should be reduced, you must lodge a written notice to elect a court hearing with the General Manager.

The form, in which a notice of election is to be made, can be obtained from the Devonport City Council Offices, 44-48 Best Street, Devonport.



P
MS
GSM
CMYK

A bit fuzzy on your printing jargon?

Dont worry, our sales team know more than enough.

They also know one other very important fact: that it's just that - jargon.

Talk to one of our experienced sales representatives and you'll come away with a crystal clear understanding of the ins and outs of your printing job. We know what you want

because we know the right questions to ask.

No guesses, no hazy ideas, no fudging...just the information needed to be assured that your publication will be a sight for sore eyes.

Call us on 6233 3168 for the bottom line on all your printing requirements.



print applied
TECHNOLOGY
PTY LTD

"environmentally responsible printer"

HOBART
123 Collins Street,
Hobart TAS 7000
P 03 6233 3289 F 03 6216 4294

TECHNOPARK
33 Innovation Drive,
Dowsing Point TAS 7010
P 03 6233 3168 F 03 6233 5346

GPO Box 307, Hobart TAS 7001
sales@thepat.com.au
www.thepat.com.au



We can produce a document the whole world will want to see.

We can also make sure they don't.

No matter how good it looks, sometimes your publication contains information that you would prefer to keep under lock and key.

At Print Applied Technology, Tasmania's number one printer, that's just where we keep it.

How good is our security? Well, in 159 years of

printing the most sensitive government and business documents we've never had any leaks.

Your job will not be any different. So now you can sleep at night knowing your document is safe. Won't that make a world of difference!

Have a chat with one of our sales representatives on 03 6233 3168.



print applied
TECHNOLOGY
PTY LTD

"environmentally responsible printer"

HOBART
123 Collins Street,
Hobart TAS 7000
P 03 6233 3289 F 03 6216 4294

TECHNOPARK
33 Innovation Drive,
Dowsing Point TAS 7010
P 03 6233 3168 F 03 6233 5346

GPO Box 307, Hobart TAS 7001
sales@thepat.com.au
www.thepat.com.au



Our conscience is crystal clear.

Together we can make a difference.

Print Applied Technology remains ever vigilant in reducing the impact of its operations on the environment, and environmental management within our production facilities is considered a critical aspect of our business.

Our investment in a world class 'Ecoclean' solvent recycling system from Europe has enabled us to recycle all our solvent liquids for reuse, instead of disposing of this material which is traditional industry practice. Waste paper is managed via extraction systems and a compaction unit, capturing and bundling all waste generated during the production cycle which is then collected for recycling, reducing landfill. Vegetable based inks are used where possible on our presses, and green office principles are employed.

Print Applied Technology now adds to these initiatives official certification by the Forest Stewardship Council

(FSC). FSC certification is the "Gold Standard" for eco forestry worldwide, and as a 'Chain of Custody' certificate holder we can now assure our valued customers that selected papers sourced for our operations are from responsibly managed forests.

The use of the highly guarded FSC trademark now also allows our customers to demonstrate their commitment to the growth of responsible forest management. Further to this, we can now share with you the knowledge that areas of natural wealth and endangered wildlife habitat are not being adversely affected as a consequence of our paper sourcing policy.

You too can help to protect our environment, by promoting and using FSC products.

For further information please contact Print Applied Technology or visit www.fscaustralia.org



print applied
TECHNOLOGY
PTY LTD

"environmentally responsible printer"



The mark of responsible forestry
Cert no. SA-COC-002383

HOBART

123 Collins Street,
Hobart TAS 7000
P 03 6233 3289 F 03 6216 4294

TECHNOPARK

33 Innovation Drive,
Dowsing Point TAS 7010
P 03 6233 3168 F 03 6233 5346

GPO Box 307, Hobart TAS 7001
sales@thepat.com.au
www.thepat.com.au

Disclaimer

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

Copyright

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

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