



TASMANIAN GOVERNMENT GAZETTE

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Notices to Creditors

OLIVE JEAN WINIFRED SARGEANT late of 19 Wellington Street Richmond in Tasmania widow deceased: Creditors next of kin and others having claims or holding assets in respect of the Estate of the deceased Olive Jean Winifred Sargeant who died on the twenty-eighth day of February 2010 at The Hobart Private Hospital Hobart in Tasmania are required by the Executors James Benson Walker lawyer married of 51 Davey Street Hobart in Tasmania and Beryl Edna Cosgrove retired secretary married of 4 Surf Road Seven Mile Beach in Tasmania to send particulars to Clerk Walker Lawyers of 51 Davey Street Hobart in Tasmania on or before the twenty-sixth day of June 2010 after which date the Executors may distribute the assets having regard only to the claims of which they then have notice.

Dated this twenty-sixth day of May 2010.

CLERK WALKER, Solicitors for the Estate.

RICHARD CLIVE ARCHER late of 251A Alanvale Road Launceston in Tasmania widower deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Richard Clive Archer who died on the eighteenth 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 twenty-sixth day of June 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twenty-sixth day of May 2010.

STUART McCABE, Senior Trust Administrator.

WILLIAM BUTLER late of St Ann's Homes Compton Downs Stanfield Drive Old Beach in Tasmania divorced deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased William Butler who died on the fourth day of February 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 twenty-sixth day of June 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twenty-sixth day of May 2010.

DALE CUNNINGHAM, Senior Trust Administrator.

Tasmanian Government Gazette

Text copy to be sent to Print Applied Technology Pty Ltd.
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EILEEN MARGARET HAY late of Mount Esk Nursing Home Station Road St Leonards in Tasmania widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Eileen Margaret Hay who died on the fifth 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 twenty-sixth day of June 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twenty-sixth day of May 2010.

REBECCA SMITH, Trust Administrator.

ALLAN MAXWELL LESLIE late of "Avly" 12 Lagoon Bay Road Low Head in Tasmania married man deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Allan Maxwell Leslie who died on the thirteenth day of May 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 twenty-sixth day of June 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twenty-sixth day of May 2010.

STUART McCABE, Senior Trust Administrator.

EDWIN LESLIE METCALF late of 4a Allanbrae Place Devonport in Tasmania retired clothes fashion buyer divorced deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Edwin Leslie Metcalf who died on the sixteenth day of February 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 twenty-sixth day of June 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twenty-sixth day of May 2010.

ANN SCOTT, Trust Administrator.

MARIA SOLODUCH late of 235 St Leonards Road Launceston in Tasmania married woman deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Maria Soloduch who died on the sixteenth day of October 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 twenty-sixth day of June 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twenty-sixth day of May 2010.

SUSAN McLAREN, Senior Trust Administrator.

PEGGY IRENE WEBB late of Queen Victoria Home 13 Milford Street Lindisfarne in Tasmania widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Peggy Irene Webb who died on the twenty-first 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 twenty-sixth day of June 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twenty-sixth day of May 2010.

LAURA ROUND, Trust Administrator.

NANCY ELAINE WOOD late of Strathaven Home 9 Strathaven Drive Berriedale in Tasmania widow deceased: Creditors next of kin and others having claims in respect of the property or Estate of the deceased Nancy Elaine Wood who died on the eighth day of February 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 twenty-sixth day of June 2010 after which date the Executor may distribute the assets having regard only to the claims of which it then has notice.

Dated this twenty-sixth day of May 2010.

LAURA ROUND, 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:—

NORMAN CHARLES GEORGE late of Roches Beach
Living Unit 2/86 Mannata Street Lauderdale in
Tasmania School Teacher/Married Man deceased.

Dated this twenty-sixth day of May 2010.

PETER MALONEY, Chief Executive Officer, Public Trustee.

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 CAROL JOY PRIOR late of 175 Oldaker Street Devonport in Tasmania deceased intestate may be granted to Kelly Louise Williams of 4 Roberts Court Devonport in Tasmania and Lesley Grace Prior of 175 Oldaker Street Devonport in Tasmania the daughters of the said deceased.

Dated this twenty-sixth day of May 2010.

TEMPLE-SMITH PARTNERS, 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 (with the Will annexed) of the Estate of HAROLD BLOOMFIELD late of Umina Park Nursing Home Mooreville Road Burnie in Tasmania farmer/widower deceased may be granted to Gaylene Smith of 99 Payne Street Burnie in Tasmania shop assistant/married and Lynette Bloomfield of 47 Irby Boulevard Sisters Beach in Tasmania dairy process worker/divorced the surviving residuary legatees and devisees named in the Will of the said deceased.

Dated this twenty-sixth day of May 2010.

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 VALERIE ELAINE DAVIS late of 83 Pitcairn Street Glenorchy in Tasmania teacher/carer deceased may be granted to Joanne Kym Vesinger of 20 Katrina Court Lindisfarne in Tasmania business proprietor/married woman and Robert John Walker of 32 Raffan Road Honeywood in Tasmania butcher/married man and Rachael Maree Wells of 234 Briggs Road Honeywood in Tasmania office manager/married woman.

Dated this twenty-sixth day of May 2010.

OGILVIE JENNINGS,
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 DUNCAN JOSEPH LEE late of 49 Olearia Drive Howden in Tasmania computer programmer/bachelor may be granted to Gillian Ann Lee of 49 Olearia Drive Howden in Tasmania widow/home duties the lawful mother of the said deceased.

Dated this twenty-sixth day of May 2010.

WARE & PARTNERS,
Solicitors for the Applicant.

Land Acquisition

LAND ACQUISITION ACT 1993

NOTICE OF ACQUISITION

(Section 16 and 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 eighteenth day of May 2010.

W. P. COVERDALE, VALUER-GENERAL.
Department of Primary Industries,
Parks, Water and Environment,
144 Macquarie Street, Hobart.

SCHEDULE

All that 824m² of land situate in the City of Launceston being Lot 1 on Plan of Survey P159318 in the Office of the Recorder of Titles being portion of the land comprised in Folio of the Register Volume 101847 Folio 1 of which Reginald Forster Hutton and Carole Anne Hutton are the registered proprietors.

Location: Golconda Road, Wyena
Municipal Area: Dorset

(22-08-73)

Electricity Supply Industry

ELECTRICITY SUPPLY INDUSTRY ACT 1995

OFFICE OF THE TASMANIAN ECONOMIC REGULATOR,
HOBART, 26 MAY 2010

Subsection 49B(3)

NOTICE OF AMENDMENT TO THE TASMANIAN
ELECTRICITY CODE

I, GLENN PETER APPELYARD, Regulator, hereby give notice that the Tasmanian Electricity Code (the Code) is amended and shall be published by the Regulator to take effect from 26 May 2010.

The Code has been amended to:

- include, in the distribution system planning report, a focus on improving the supply reliability in communities which are experiencing poor reliability performance;
- provide for an automatic review of emergency credit for pre-payment meters in accordance with a pre-determined method;
- require the licensed retailer, which supplies to tariff customers, to promote all payment options equally;
- clarify the regularity of review, development and submission of compliance/management plans and the content of compliance plans;
- enable the Regulator to require quarterly performance reporting;
- clarify the application of the Code to the Bass Strait Islands; and
- make minor changes to ensure consistency within the Code and with the *Electricity Supply Industry Act 1995*.

Consequential amendments have also been made to the Preamble and Glossary of the Code.

The consolidated revised Code chapter is available on the Regulator's website at www.economicregulator.tas.gov.au.

Dated this 26th day of May 2010.

G. APPELYARD, Regulator.

Penalty Units

PENALTY UNITS AND OTHER PENALTIES ACT 1987

Notice under Section 4A of the
Penalty Units and Other Penalties Act 1987

FOR the purposes of section 4A of the *Penalty Units and Other Penalties Act 1987*, the value of a penalty unit for the financial year commencing on 1 July 2010 is specified to be \$130.

Dated the nineteenth day of May 2010.

LARA GIDDINGS, Minister for Justice.

Living Marine Resources

LIVING MARINE RESOURCES MANAGEMENT ACT 1995

Section 228

PUBLIC NOTICE

Property seized pursuant to the *Living Marine Resources Management Act 1995*.

Department of Police and Emergency Management

I, ROSS PAINE, holding the office of Inspector, Marine and Rescue Services, Department of Police and Emergency Management, pursuant to the delegated authority under Section 20 (2) of the *Living Marine Resources Management Act 1995*, in accordance with Section 228 of the Act, hereby give notice that:

- The undermentioned property has been seized by police pursuant to the *Living Marine Resources Management Act 1995*, on the date and location indicated.
- The property is in possession of the police with the owners of the said property not having been located.
- The property will be forfeited to the Crown if within 6 weeks after the date of this notice the owner is not found.

Reference No	Property	Area Seized	Date Seized	Current Location
184602	1 rock lobster pot, line buoy MB0187	Nth shore Port Arthur	16/12/2006	Hobart
184697	1 rock lobster pot with buoy marking BJ0179A	Patricks Bight North Bruny	2/03/2007	Hobart
193971	1 plastic Rock Lobster Pot	Stewarts Bay	3/11/2007	Hobart
193974	1 plastic rock lobster pot	Penguin Island	5/11/2007	Hobart
194062	1 graball net AB4180 G	not stated	31/12/2007	Hobart
194063	1 graball net BC0262 G	Port Arthur	31/12/2007	Hobart
194099	1 rock lobster pot JJ6822	Penguin Island	24/01/2008	Hobart
194104	1 x graball net, 1x red buoy 1 x white buoy	Connelly's Marsh	27/01/2008	Hobart
194180	1 x rock lobster pot CH1190P + line + buoy	Bull Bay, Bruny Is.	10/11/2008	Hobart
194186	1 x square steel mesh rock lobster pot, wooden float	Line Bay	18/11/2008	Hobart
194193	1 x graball net with 1 x buoy	Parsons Bay, Nubeena	24/11/2008	Hobart
194194	1 x graball net SP754P	Parsons Bay, Nubeena	24/11/2008	Hobart
213306	1 x rock lobster pot possibly AB5671	One Tree Point, Bruny Island	22/12/2008	Hobart
213320	1 x pot and red buoy 'TAAH'	Bruny Island	14/01/2009	Hobart

213357	1 x graball net	Bull Bay, Bruny Is.	15/04/2009	Hobart
213359	1 x graball Net	Fisher Light	11/04/2009	Hobart
213375	1 x rock Lobster Pot	Adventure Bay	20/07/2009	Hobart
213377	1 x rock Lobster Pot 1 x Graball Net	Sloven Reef	8/08/2009	Hobart
213386	2 x Nets	Petcneys Bay	28/10/2009	Hobart
213405	1 x rock lobster pot	Bull Bay, Bruny Is.	9/12/2009	Hobart
213406	1 x rock lobster pot	Safety cove	9/12/2009	Hobart
213440	1 x Graball Net	Huon River Waterloo	21/03/2010	Hobart
213343	1 x long line, 3 x buoys, 30 x hooks, 2 x sinkers, 1 x lead weight	Derwent River opposite E.Z.	11/02/2009	Hobart
173517	Rock lobster pot	Surging Point	23/12/06	Strahan
173518	Gillnet	Macquarie Harbour	24/12/06	Strahan
173521	Rock lobster pot	Cape Sorell	29/12/06	Strahan
173528	Rock lobster pot	Cape Sorell	11/2/07	Strahan
173544	Gillnet	Macquarie Harbour	10/6/07	Strahan
196171	Gillnet	Cape Sorell	22/3/08	Strahan
196188	Rock lobster pot	Granville Harbour	12/3/09	Strahan
196189	Rock lobster pot	Granville Harbour	12/3/09	Strahan
196190	Rock lobster pot	Granville Harbour	12/3/09	Strahan
212221	Large styrene buoy attached to 2 lengths of white 3 strand 5mm rope and large length of black 3 strand 5mm rope which contains tracers, clips and hooks	3nm NNE of Big Mussel Row Bay outlet	27/2/10	George Town
212220	Large orange buoy attached to length of green rope and traffic marker base plate and berley pot	Tamar River	28/2/10	George Town
187044	Rock lobster pot, rope and buoys	Sloop Rock St Helens	11/12/08	St Helens

Dated this twenty-sixth day of May 2010.

R PAINE, Inspector (Marine and Rescue Services).

Information

For further information contact Marine and Rescue Services, Department of Police and Emergency Management on 6230 2475.

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>Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2009</i>	S. R. 2010, No. 30	Proclamation under section 2
(2) <i>Economic Regulator Act 2009</i>	S. R. 2010, No. 31	Proclamation under section 2
(3) <i>Economic Regulator Act 2009</i>	S. R. 2010, No. 32	<i>Economic Regulator Regulations 2010</i>
(4) <i>Electricity Supply Industry Act 1995</i>	S. R. 2010, No. 33	<i>Electricity Supply Industry Amendment Regulations (No. 2) 2010</i>
(5) <i>Gas Pipelines Act 2000</i>	S. R. 2010, No. 34	<i>Gas Pipelines Amendment Regulations 2010</i>
(6) <i>Police Offences Act 1935</i>	S. R. 2010, No. 35	<i>Police Offences Amendment Regulations 2010</i>
(7) <i>Education and Training (Tasmanian Polytechnic) Act 2008</i>	S. R. 2010, No. 36	<i>Education and Training (Tasmanian Polytechnic) By-laws 2010</i>

GENERAL PURPORT OR EFFECT OF THE ABOVEMENTIONED STATUTORY RULES

(1) Proclamation under section 2 of the *Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2009*

This proclamation fixes 1 July 2010 as the day on which the provisions of the *Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2009* commence.

(2) Proclamation under section 2 of the *Economic Regulator Act 2009*

This proclamation fixes 1 June 2010 as the day on which the *Economic Regulator Act 2009* commences.

(3) *Economic Regulator Regulations 2010*

These regulations prescribe the fee payable on the making of a complaint to the Economic Regulator under section 49(c) of the *Economic Regulator Act 2009*.

(4) *Electricity Supply Industry Amendment Regulations (No. 2) 2010*

These regulations amend the *Electricity Supply Industry Regulations 2008* by replacing references to NEMMCO with references to AEMO (Australian Energy Market Operator) which replaced NEMMCO under the National Electricity Rules.

(5) *Gas Pipelines Amendment Regulations 2010*

These regulations amend the *Gas Pipelines Regulations 2002* consequent on the enactment of the *Economic Regulator (Consequential Amendments) Act 2009* by replacing references to the Director of Gas with references to the Regulator.

(6) *Police Offences Amendment Regulations 2010*

These regulations amend the *Police Offences Regulations 2007* so as to make it an offence to consume liquor, or be in possession of an opened or unsealed container of liquor, in Glenorchy Council Memorial Gardens at any time.

(7) Education and Training (Tasmanian Polytechnic) By-laws 2010

These by-laws, made under section 32 of the *Education and Training (Tasmanian Polytechnic) Act 2008*, provide for –

- (a) the formation and operation of student organisations by students of the Polytechnic; and
- (b) the control of vehicles on Polytechnic campuses; and
- (c) the conduct of students and persons on Polytechnic campuses; and
- (d) disciplinary measures for students of the Polytechnic; and
- (e) other miscellaneous matters relating to the provision of education and training services by the Polytechnic.

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.

Cities/Councils

HOBART CITY COUNCIL

SALAMANCA MARKET BY-LAW

BY-LAW 1 of 2010

BY-LAW MADE UNDER SECTION 145

OF THE LOCAL GOVERNMENT ACT 1993

FOR THE PURPOSE OF

REGULATING AND CONTROLLING CONDUCT IN THE SALAMANCA MARKET

PART 1- PRELIMINARY

Short Title

1. This by-law may be cited as the Salamanca Market By-law.

Interpretation

2. In this by-law: -

"Act" means the *Local Government Act 1993*

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

"**Busking Licence for Salamanca Market**" means a licence obtained under this by-law authorising a person to busk in the market area, including the terms and conditions for that Licence;

"Council" means Hobart City Council;

"footpath" means that part of the highway reservation so constructed as to facilitate the movement of pedestrians;

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

"guide dog" means a guide dog as defined by the *Guide Dogs and Hearing Dogs Act 1967* and a dog training to be a guide dog;

"hearing dog" means a hearing dog as defined by the *Guide Dogs and Hearing Dogs Act 1967*; and a dog training to be a hearing dog;

"highway" includes a highway reservation, footpath, nature strip or a mall;

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

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

"market" means the Salamanca Place Market, as constituted pursuant to section 189 of the *Local Government Act 1993*;

"market area" means that part of Salamanca Place which is closed on any day as specified in a market notice;

"market day" means the period of time on any day on which the Salamanca market area is closed to provide a place for the sale of goods and for entertainment, notice of which has been given by a

market notice;

"market notice" means a notice to operate a market in a newspaper published in the City of Hobart pursuant to section 189 (2) of the *Local Government Act 1993*;

"market supervisor" means any person who is authorised by the General Manager to act in that capacity;

"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*;

"occupy" means to place on or in the market area, road or footpath any temporary or mobile structures, wares, goods, chattels, items, tables and chairs, or build any structure for sale, to enable the service of food or beverages or for any other purpose or to fence off any part of the market area to exclude members of the public, or to undertake any other activity in the market area;

"owner" includes: -

- a) in the case of a motor vehicle within the meaning of the Traffic Act 1925 -
 - 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;

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

"permit" means a permit obtained from Council under this by-law;

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

"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;

"Sharp" for the purposes of Clause 26 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.

"speaker's corner" means that part of the market area set aside by the General Manager exclusively for public speaking;

"stallholder" means any person who has entered into a licence agreement with the Council to occupy part of the market area on market day;

"stall site" means part of the market area let to a stallholder

"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*;

"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 - SALAMANCA MARKET

Division 1 – Road Closure

Road closure on market days

3. 1) The Council may, by notice issued pursuant to section 189 of the Act, close parts or portions of the highways in the Council municipal area known as Salamanca Place, Gladstone Street, Montpelier Retreat and any other highways in the municipal area for the purposes of conducting the market.

2) The highway closure referred to in sub-clause 1 is to be between those times required for the successful operation of the market as set out in the market notice.

Salamanca Market not a highway

4. During a market day the market area is not to be deemed a highway for the purposes of the Highways By-Law.

Division 2 – Use of Market Area by Stallholders

Licensing of the market area

5. The General Manager may let the market area for any days or periods and on any reasonable terms and conditions as determined by the General Manager.

Permits not transferable without written consent

6. A stallholder must not without the written consent of the General Manager, assign transfer or deal in any way with any rights or interests or any part of any rights or interests the stallholder may have under a permit issued under this by-law.

Penalty: 10 penalty units

Occupation of stall sites

7. A person must not occupy or take possession of any stall site except that which has been allotted or let to the stallholder by the General Manager.

Penalty: 2 penalty units

Surrender of stall sites

8. Any person who is occupying or who is in possession of part of the market area contrary to this by-law, must immediately surrender possession of the area when directed to do so by the General Manager.

Penalty: 5 penalty units

Production of licences

9. 1) If any stallholder is requested to produce a current licence or permit by the market supervisor the stallholder is to do so within seven days.

- 2) If any stallholder is requested to produce current identification by the market supervisor the stallholder is to do so immediately.

Use of the market area

10. 1) A person must not solicit, order for, or sell any wares in the market area unless the person is a stallholder or employed by a stallholder or is authorised to do so under an Occupation Licence or another permit issued by the General Manager under this by-law.

Penalty: 5 penalty units

- 2) A stallholder or a person employed by a stallholder must only solicit, order for or sell any wares in the stallholder's stall site.

Penalty: 5 penalty units

Not to place wares outside site

11. A shallholder must not place any wares for sale outside the boundaries of the stallholder's site.

Penalty: 2 penalty units

Sale of food

12. A stallholder must not sell any food in the market area unless the sale of food on the site has been approved by the General Manager.

Penalty: 2 penalty units

Refuse

13. A stallholder must not allow any dirt, filth, offal, or trade or any other refuse to remain in any stall site occupied by the stallholder or within the market area and, if the stallholder is required by the General Manager to remove any dirt, filth, offal or trade or any other refuse the stallholder will do so immediately.

Penalty: 2 penalty units

Removal of signage

14. The General Manager may require the removal of any advertisement or signboard in the market area.

Division 3 – Occupation and Busking Licences

Occupation of market area

15. 1) A person must not occupy any part of the market area, or road or footpath in or near the market area without a licence, permit or written authority issued under this by-law.

Penalty: 2 penalty units.

Permits not transferable without written consent

16. A person must not without the written consent of the General Manager, assign transfer or deal in any way with any rights or interests or any part of any rights or interests the person may have under a licence, permit or written authority issued under this by-law.

Penalty: 5 penalty units

Busking

17. 1) Upon application, the General Manager may issue a Busking Licence for Salamanca Market to a person upon such terms and conditions as approved by the General Manager.

2) A person must not busk or perform any activity for entertainment in the market area unless:

- a) they are the holder of a Busking Licence for Salamanca Market issued under this by-law; and
- b) it is a market day.

Penalty: 2 penalty units.

- 3) A person who is the holder of a Busking Licence for Salamanca Market must comply with the terms and conditions for the Busking Licence for Salamanca Market.

Penalty: 2 penalty units.

- 4) The General Manager may cancel a Busking Licence for Salamanca Market where the holder of the licence fails to comply with the terms and conditions of this licence.

- 5) During the market day the General Manager may at his/her discretion request a busker to move to another part of the market area, or request a busker to stop operating in part or all of the market area.

Division 4 - Prohibitions**Litter**

18. A person must not throw, drop, leave, or otherwise dispose of any dirt, litter, paper, wood, glass, or any other matter, material, or thing in the market area, except in a receptacle provided by the Council for the disposal of such things.

Penalty: 2 penalty units

Damage to Council property

19. A person must not break, destroy, damage, disfigure, or deface with dye, paint, tar, or other material of any kind whatsoever, any building, fence, notice, fixture or thing owned or under the control of the Council, within the market area.

Penalty: 20 penalty units

Damage to other property

20. A person must not do any act or thing which causes, or is likely to cause, any damage, destruction or disfigurement to any stall site or stallholder's property or wares, or to any other building, fence, notice, fixture or thing within the market area.

Penalty: 20 penalty units

Meetings

21. A person must not conduct or take an active part in a meeting in the market area, except in that part of the market area known as 'speakers corner', unless that person has first obtained the written authority of the General Manager.

Penalty: 1 penalty unit

Noise in the market area

22. A person must not, unless authorized 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 otherwise in such a way as to annoy other people in the market area.

Penalty: 1 penalty unit

Animals in market area

23. A person who is the owner or keeper of a dog, other than a guide dog or hearing dog, or other animal must not:
- a) allow the dog or other animal to be in or remain in the market area: or
 - b) lock or enclose the dog or other animal inside a vehicle in the market area.

Penalty: 2 penalty units

Certain activities may be requested to cease

24. 1) The General Manager or an authorized officer may direct a person who is not a stallholder to cease any of the following activities: -
- a) the carrying about, giving out, displaying, or distribution of any handbill, placard, notice, advertisement, picture, postcard, book, brochure, pamphlet, leaflet or petition in the market area, or
 - b) the soliciting of donations or the sale of raffle tickets, buttons, and the like in the market area.
- 2) A person must comply with a direction under sub-clause 1.

Penalty: 1 penalty unit

Certain behaviour prohibited in the market area

25. A person must not in the market area: -
- a) behave riotously, or commit a nuisance; or
 - b) play any game of cricket, football, or any other game; or

- c) expectorate, urinate, or defecate; or
- d) drive any vehicle on or over any footway during the hours of operation of the market, as determined by the Council; or
- e) fail, refuse or neglect to comply with any lawful direction of an authorised officer or
- f) obstruct, hinder, or resist an authorised officer in the discharge of their duties; or
- g) a stallholder must not sell or offer for sale any material that may reasonably be considered by an authorized officer to be obscene or offensive.

Penalty: 1 penalty unit

Syringes and Sharps

26. A person must not place, leave or drop any used or unused syringe or any other Sharp in or on the market area.

Penalty: 20 penalty units

Division 4 - Vehicles

Parking in the market area

27. A person must not park a motor vehicle in the market area between 5.30 am and 6.00 pm on market days or between such other hours as set out in the market notice without the permission of the General Manager.

Penalty: 2 penalty units

Power to remove vehicles

28. The General Manager or an authorised officer may order the removal of a motor vehicle parked in the market area contrary to this by-law where:

- a) a notice advising of the closure of highways in the market area has been issued under section 189 of the Act;
- b) appropriate "no parking" signs or other traffic signs are placed on or in the market area for the purposes of closure of the highway; and
- c) the owner of the motor vehicle cannot be located.

Movement of vehicles in the market area

29. 1) The market supervisor, General Manager, or an authorised officer may allow stallholders or people assisting a stallholder to bring motor vehicles into the market area and park them at or adjacent to the part of the Salamanca market area which the stallholder is allowed to use for a short period at the beginning and the end of the market day or at other times.
- 2) In determining when and which motor vehicle may be moved and parked in the market area the market supervisor is to have regard to the need to keep traffic and other congestion to a minimum and to the times of the day when the movement of the motor vehicles will cause the least disruption to the activities in the market area.

Skateboards and bicycles

30. A person must not use a skateboard or bicycle in the market area unless authorised to do so

by permit.

Penalty: 1 penalty unit

Power to stop vehicles

31. 1) The General Manager or an authorised officer may require the driver or user of a vehicle in the market area to stop the vehicle where the General Manager or authorised officer believe on reasonable grounds that the driver, user or 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 the General Manager or an authorised officer to stop.

Penalty: 5 penalty units

Division 5 – Miscellaneous Powers

Power to close market

32. The General Manager may close the market at any time for any reason deemed appropriate by him/her.

General powers

33. 1) The General Manager, market supervisor or an authorised officer may give directions to any person in relation to their use of, behaviour or presence in the market area.
- 2) A person must not fail to comply with a reasonable direction given under sub-clause 1.

Penalty: 3 penalty units.

Power to cancel licences

34. The General Manager may cancel a licence, permit or written authority granted under this by-law, where:
- a) the permit holder breaches a provision of this by-law or commits an offence; or
 - b) the permit holder fails to comply with a term or condition of the licence, permit or written authority; or
 - c) the permit holder fails to comply with the lawful directions of the General Manager or authorised officer; or
 - d) the cancellation is done in accordance with the terms and conditions of the licence, permit or written authority.

PART 3 - POWERS OF COUNCIL AND POLICE OFFICERS

Removal from Council Property

35. (1) Any authorised officer may:

- a) remove any person from the market area, including a footpath or road, 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 the market area, including a footpath or road, 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 the market area, footpath or road, or other Council property whom the police officer reasonably believes has committed or who is committing an offence.

PART 4 - PERMITS AND LICENCES

Occupation of market area

36. 1) Upon application the General Manager may issue a licence, permit or written authority to a person to occupy part of the market area, road or footpath upon such terms and conditions as approved by the General Manager
- 2) A person who is the holder of a licence, permit or written authority under this clause must comply with the terms and conditions set out in that licence, permit or written authority.

Penalty: 2 penalty units.

- 3) The General Manager may cancel a licence, permit or written authority issued under this clause where the holder of the licence, permit or written authority fails to comply with the terms and conditions set out therein.

Occupation licence of market area by existing Salamanca Place traders

37. 1) The General Manager 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 or written authority must specify the authority granted by the permit 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 record to be kept or notification to be given in relation to the exercise of the authority.
- 4) Licences, permits or written authorities issued under this by-law are in the forms as appearing in the Schedule to this by-law, or in such form as approved by the General Manager.
- 5) In deciding whether or not to grant a licence pursuant to this Part the General Manager may have regard to the following and any other relevant matters: -
- i) the type of activity proposed;
 - ii) the location of that activity;
 - iii) any comments made in relation to the application by an employee of the Council
 - iv) the impact of the proposed activity or occupation on the amenity of the market, market stallholders and patrons and the safe operation of the market.
- 6) A permit, licence or written authority under this by-law may be issued under such terms and conditions as the General Manager may consider appropriate.
- 7) The holder of a licence issued pursuant to this Part must comply with the terms and conditions thereof.

Penalty: 2 penalty units

- 8) Any application for a permit under this by-law must be made at least 30 days before the day for which the application is being made.
- 9) The General Manager may cancel a licence, permit or written authority issued under this clause where the holder of the licence, permit or written authority fails to comply with the terms and conditions set out therein.
- 10) The General Manager may modify or cancel a licence, permit or written authority issued under this clause if considered necessary by the General Manager.

PART 5 - INFRINGEMENT NOTICES

38. (1) In this clause –
- “specified offence” means an offence against the clause specified in column 1 of Schedule 2.
- (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 2 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 an 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

39. 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

40. 1) The Council may rectify any damage to Council property or property under the care or control of the Council or 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.

PART 7 – DELEGATION

41. Where under this by-law any matter may be determined by the General Manager, the General Manager may in accordance with the Act, delegate to another Council employee the performance of those functions.

SCHEDULE 1 - FORMS

Form 1

LICENCE TO

Full Name of Applicant

Full Residential Address of Applicant

This is to certify that the Applicant is authorised to

.....

pursuant to clause of this by-law.

This licence is valid until the day of 20.....

Dated thisday of20...

.....

(General Manager)

2. INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3
CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY
		(Penalty units)
6	Transfer of permits without written consent	2.5
7	Occupation of stall site not allotted or let to stallholder	0.5
8	Failure to surrender stall site	1.25
10(1)	Use of market area	1.25
10(2)	Use of market area outside stall site	1.25
11	Placing wares for sale outside stall site boundary	0.5
12	Sale of food without approval	0.5
13	Build up of dirt, filth, offal or trade	0.5
15(1)	Occupation of market area without licence	0.5
16(2)	Busking or performing without licence	0.5
16(3)	Non-compliance with Busking Licence	0.5
17	Littering	0.5
18	Damaging Council property	5
19	Damaging other property	5
20	Conducting or actively participating in a meeting	0.25
21	Making noise in the market area	0.25
22	Animals in the market area	0.5
23(2)	Non compliance with direction	0.25
24	Displaying prohibited behaviour	0.25
25	Leaving unused syringe or sharp	5
26	Parking in the market area	0.5
29	Using skateboard or bicycle in the market area	0.5
30(2)	Failure to comply with direction	1.25
32(2)	Failure to comply with direction	0.75
35(2)	Non compliance with permit	0.5
36(7)	Non compliance with licence	0.25

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



P.A. JACKSON
Legal Practitioner

Dated this 12 day of MAY 2010
At HOBART

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



N.D. HEATH
General Manager

Dated this 12 day of MAY 2010
At HOBART

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



R.H.F. VALENTINE
Lord Mayor



N.D. HEATH
General Manager



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.

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