



**Cairns Regional Council
Local Law No.5
(Parking) 2011**

Cairns Regional Council Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
- (2) The purpose is achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
 - (c) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions^{3/4}the dictionary

The dictionary in the schedule defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6²; and
- (b) to be read with *Local Law No. 1 (Administration)2011*.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.^{3 4}
- (2) The subordinate local law must define the boundaries of the traffic area.

6 Declaration of off-street regulated parking areas

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

² A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

³ See the TORUM Act, sections 102(3)(a) and 102(2)(b).

⁴ The TORUM Act, section 69(4), provides: "A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D."

- (1) The local government may, by subordinate local law, declare an area of land controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits⁷

- (1) The local government may issue a parking permit.⁸
- (2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (a) a parking permit for people with disabilities;⁹ or
 - (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels¹⁰

- (1) The local government may issue a commercial vehicle identification label.¹¹
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.¹²
- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.¹³

Part 4 Minor traffic offence infringement notice penalties

⁵ See the TORUM Act, section 104(2).

⁶ See the TORUM Act, sections 104(1)(b) and 101(1)(c).

⁷ See the TORUM Act, section 103(4).

⁸ *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a parking permit must be obtained under that part.

⁹ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

¹⁰ See the TORUM Act, section 103(5).

¹¹ *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

¹² The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, **commercial vehicle**.

¹³ See also *Transport Operations (Road Use Management-Road Rules) Regulation 1999*, section 179, relating to drivers who are permitted to stop in a loading zone.

9 Minor traffic offence infringement notice penalties

- (1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.¹⁴
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;¹⁵ or
- (b) the declaration of off-street regulated parking areas;¹⁶ or
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;¹⁷ or
- (d) vehicles that may be issued with a commercial vehicle identification label;¹⁸ or
- (e) infringement notice penalty amounts that apply for minor traffic offences.¹⁹

¹⁴ See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

¹⁵ See section 5(1).

¹⁶ See section 6.

¹⁷ See section 7(2).

¹⁸ See section 8(2).

¹⁹ See section 9(1).

Schedule Dictionary

Section 3

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

CERTIFICATION

This and the preceding 6 pages bearing my initials is a certified copy of *Cairns Regional Council Local Law No. 5 (Parking) 2011* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 14 December 2011.

Lyn Russell PSM
Chief Executive Officer
Cairns Regional Council



**Cairns Regional Council
Subordinate Local Law No.5
(Parking) 2011**

Cairns Regional Council Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011* which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons who may be issued with parking permits and the terms and conditions of such permits; and
 - (c) the vehicles that can be issued with commercial vehicle identification labels; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by Cairns Regional Council Local Law No. 5 (Parking) 2011 (the ***authorising local law***).

4 Definitions

- (1) The dictionary in the schedule defines particular words used in this subordinate local law.
- (2) All other words have the same meaning as in the authorising local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—authorising local law, s 5

- (1) For section 5(1) of the authorising local law, the whole local government area is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law the boundaries of the traffic area are the boundaries of the local government area.

6 Declaration of off-street regulated parking areas—authorising local law, s 6

- (1) For section 6(1) of the authorising local law, each area of land indicated by hatching in the map in schedule 1 is declared to be an off-street regulated

parking area.

- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by bold lines circumscribing the hatched areas on the map in schedule 1.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government—Authorising local law, s 7(2)

For section 7(2) of the authorising local law, the following persons may be issued with a parking permit mentioned in section 7(1)(b) of the authorising local law—

- (a) persons who have been granted approval under another local law for the commercial use of a local government controlled area, where the permit is necessary to undertake the commercial use; and
- (b) a person engaged in tourism-related business; and
- (c) school bus operators; and
- (d) local government employees, contractors or agents for the purpose of carrying out work for or on behalf of local government; and
- (e) residents of a road for which a permit is required; and
- (f) contractors or workers requiring a permit to park on a road to undertake work on an adjoining site; and
- (g) official news media journalists, camera operators, or persons in some other way engaged in a news gathering capacity for a magazine, newspaper, radio or television broadcast ; and
- (h) any other person who in the opinion of an authorised person has reasonable grounds to warrant the issue of a parking permit.

8 Commercial vehicle identification labels—authorising local law, s 8(2)

For section 8(2) of the authorising local law, the vehicles that may be issued with a commercial vehicle identification label are any motor vehicles constructed, fitted or equipped for the carriage of persons which is used for carrying on a business that requires the regular use of loading zones.

Part 4 Minor traffic offence infringement notice penalties

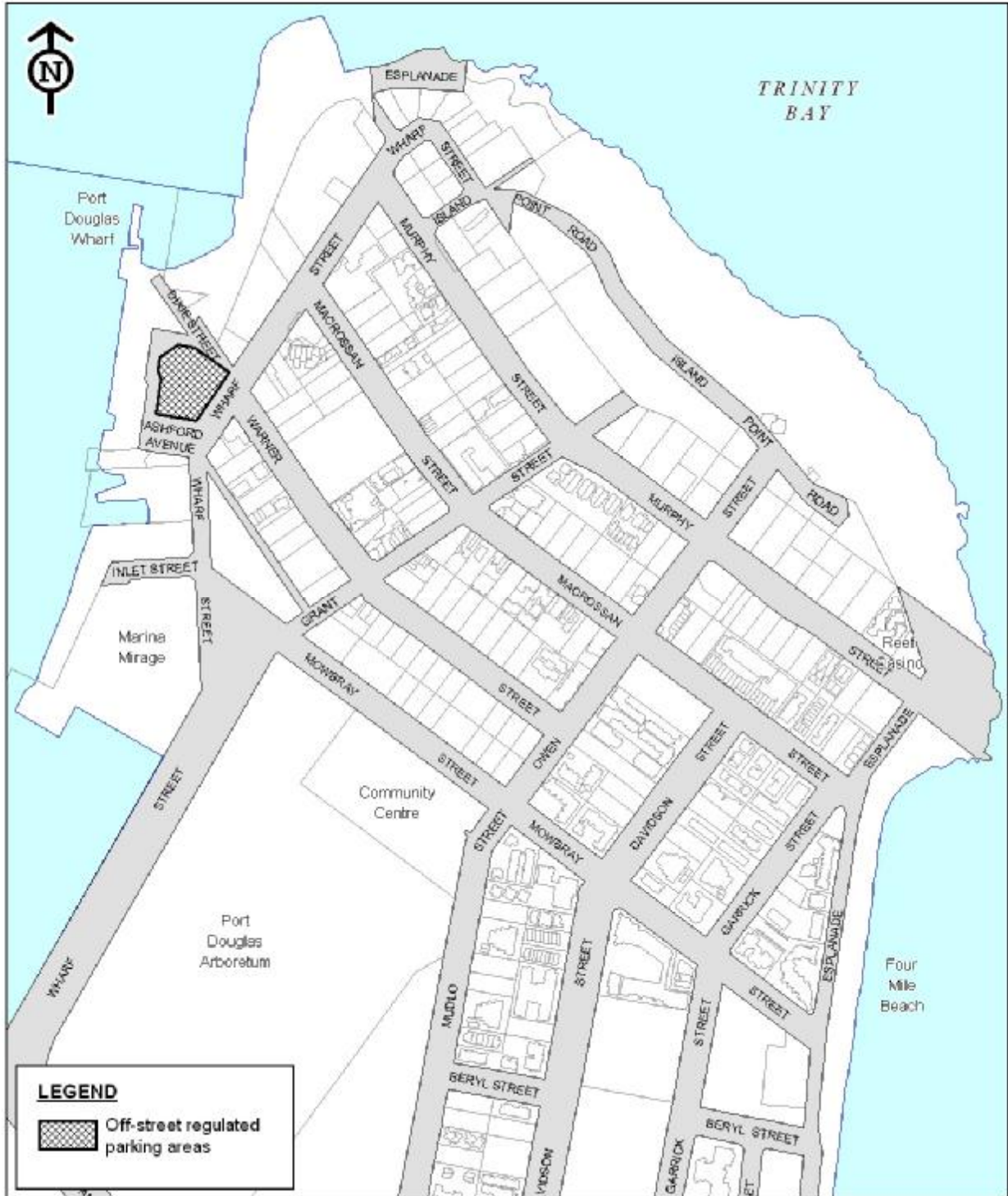
9 Infringement notice penalty amounts—authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount for an offence mentioned in column 1 of schedule 2 is the corresponding amount stated in column 2 of schedule 2.

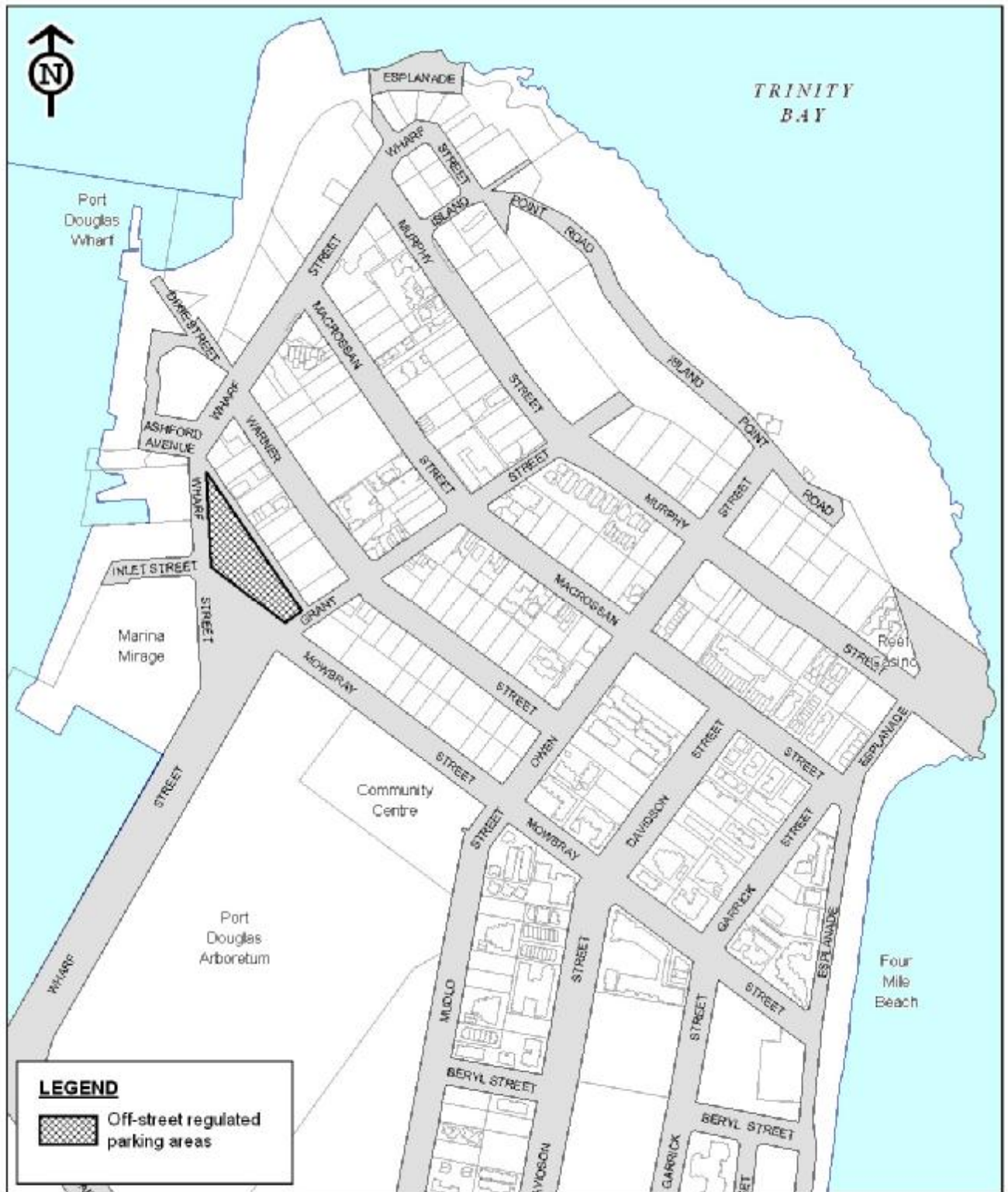
Schedule 1 - Declaration of off-street regulated parking areas

Section 6

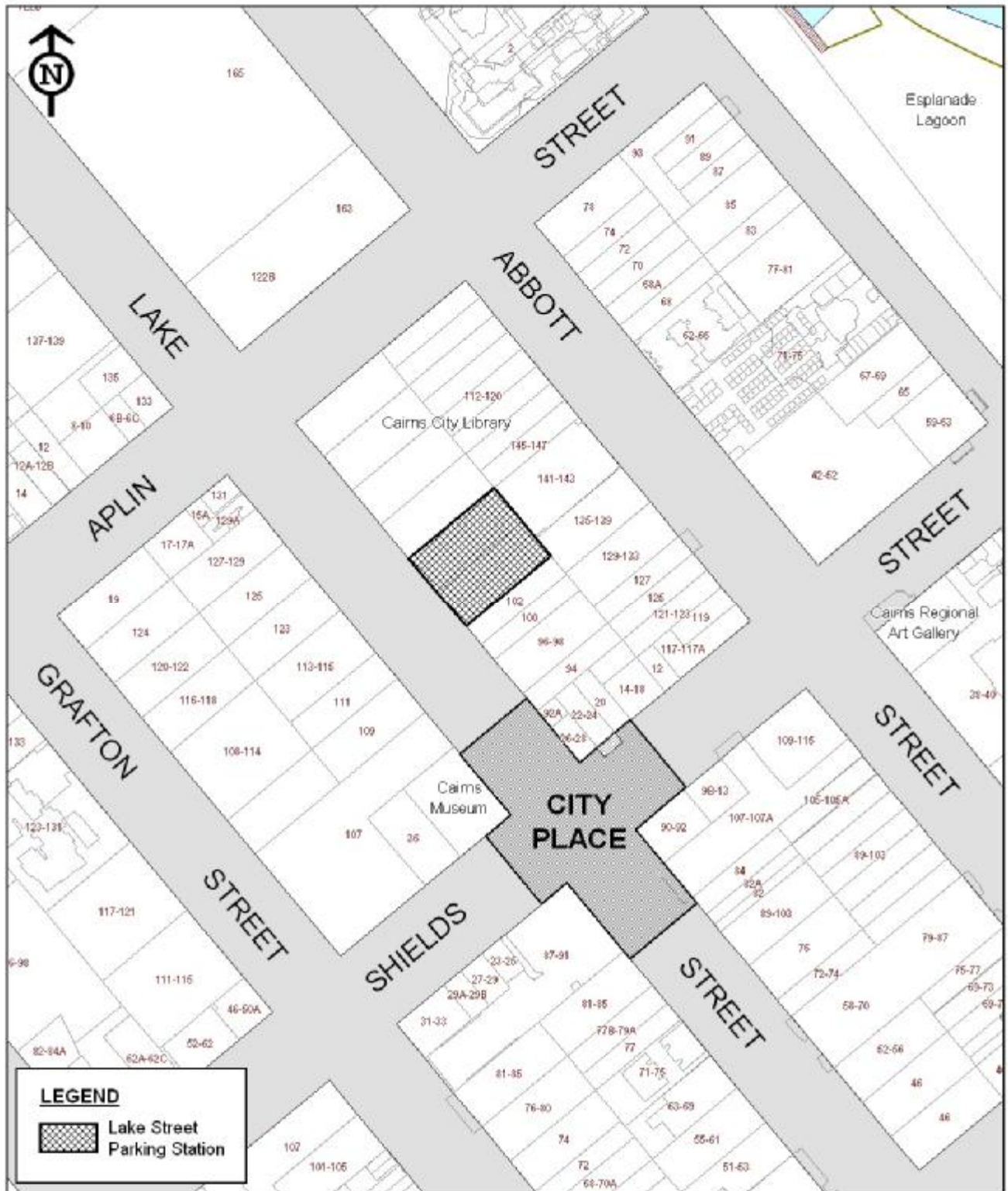
Port Douglas off-street regulated parking areas



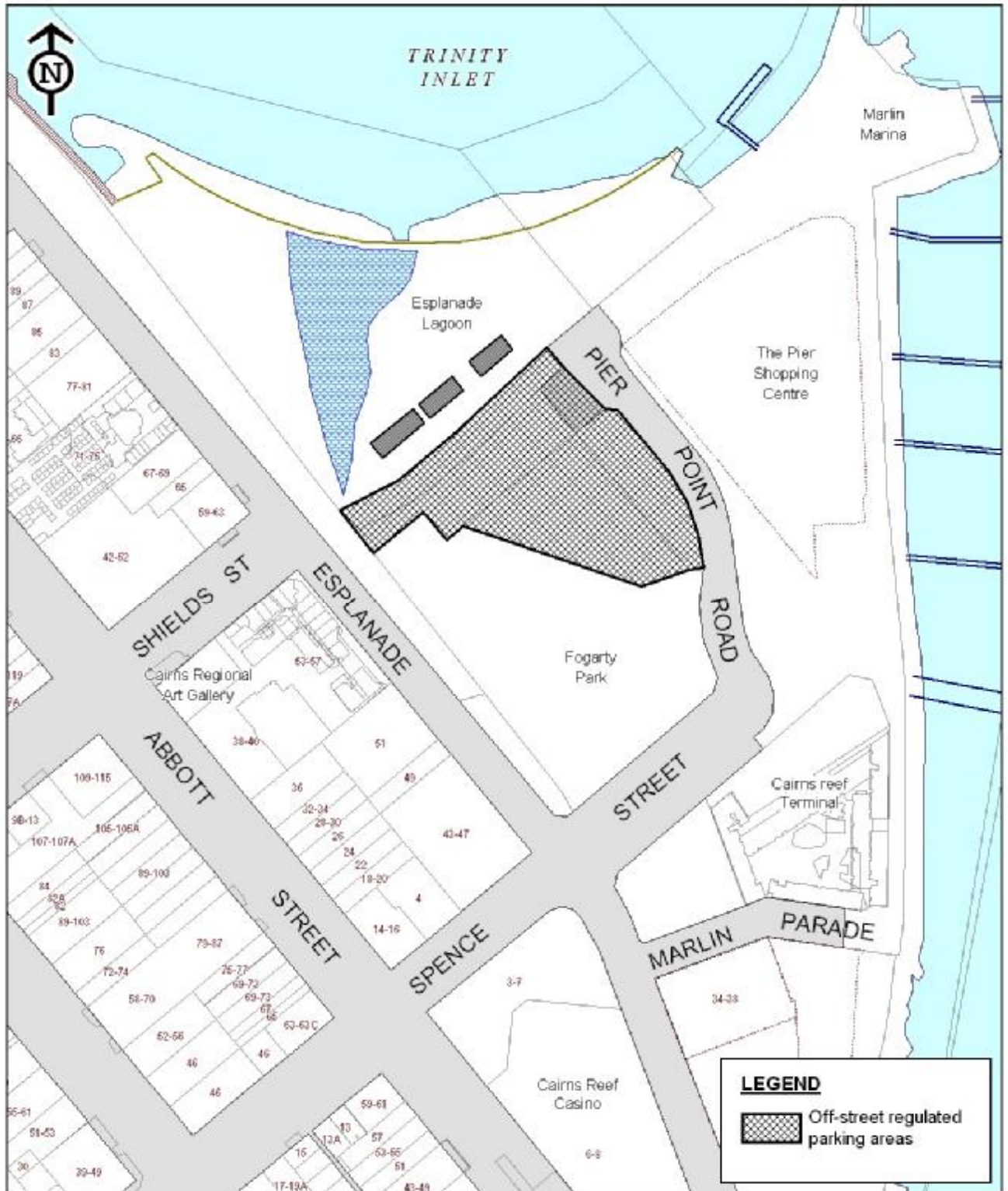
Port Douglas off-street regulated parking



Cairns City off-street regulated parking areas Lake Street Parking Station – Map A

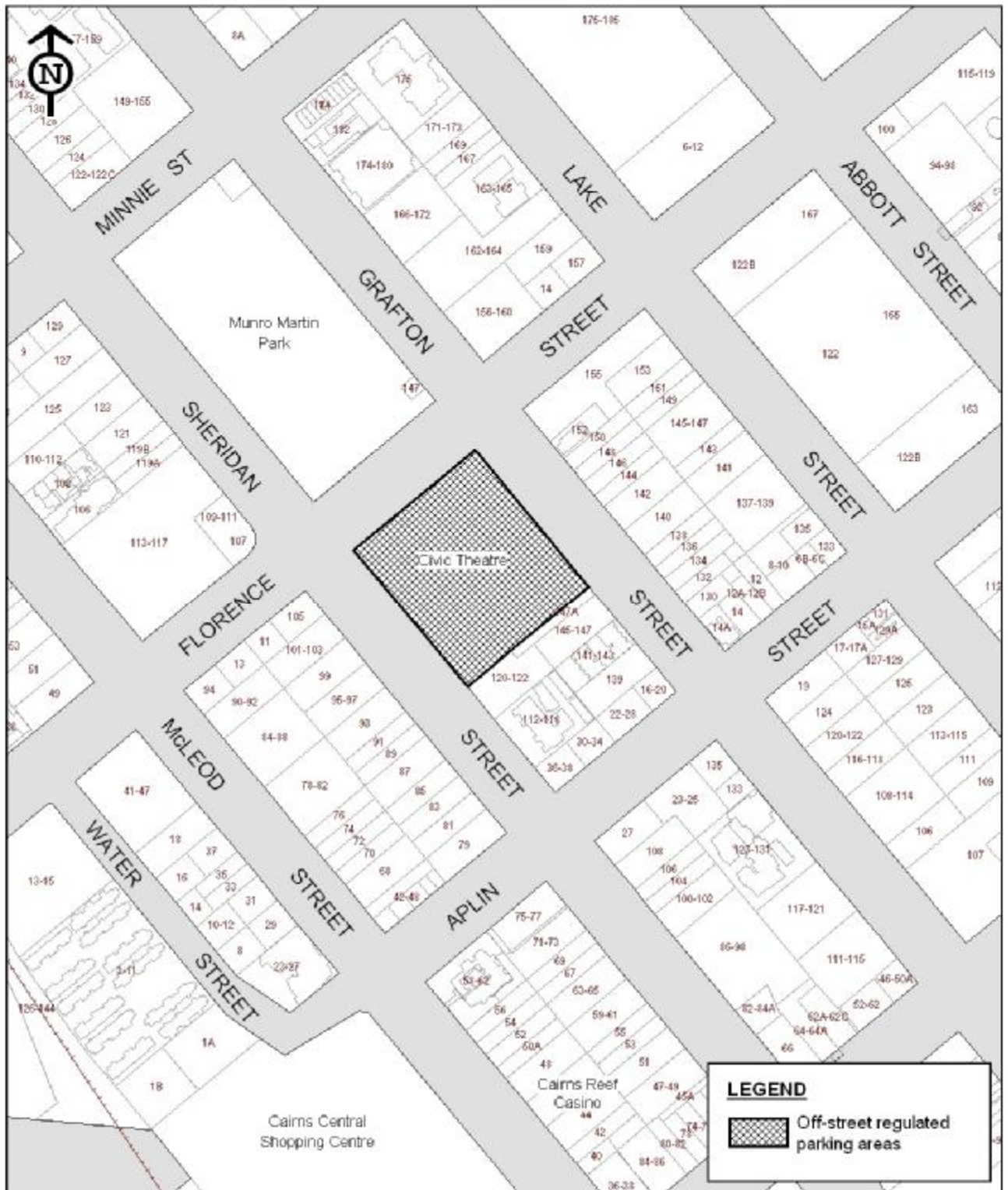


Cairns City off-street regulated parking areas Southern Esplanade Car Park (The Pier) - Map B

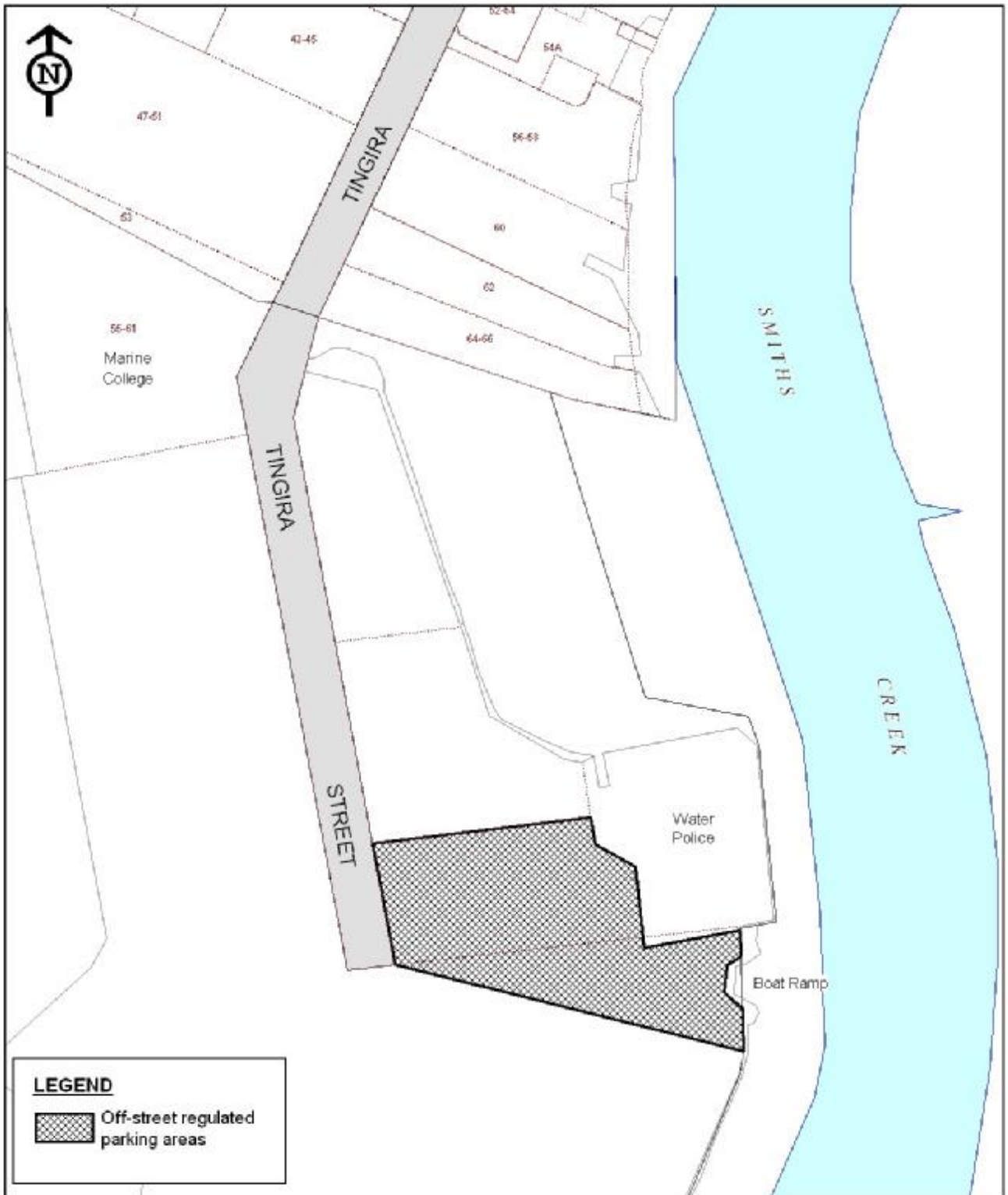


Cairns City off-street regulated parking areas

Civic Theatre Car Park - Map D



Cairns City off-street regulated parking areas Tingira Street Car Park - Map E



Cairns City off-street regulated parking areas Grafton Street North Car Park (Old Library Car Park) - Map F

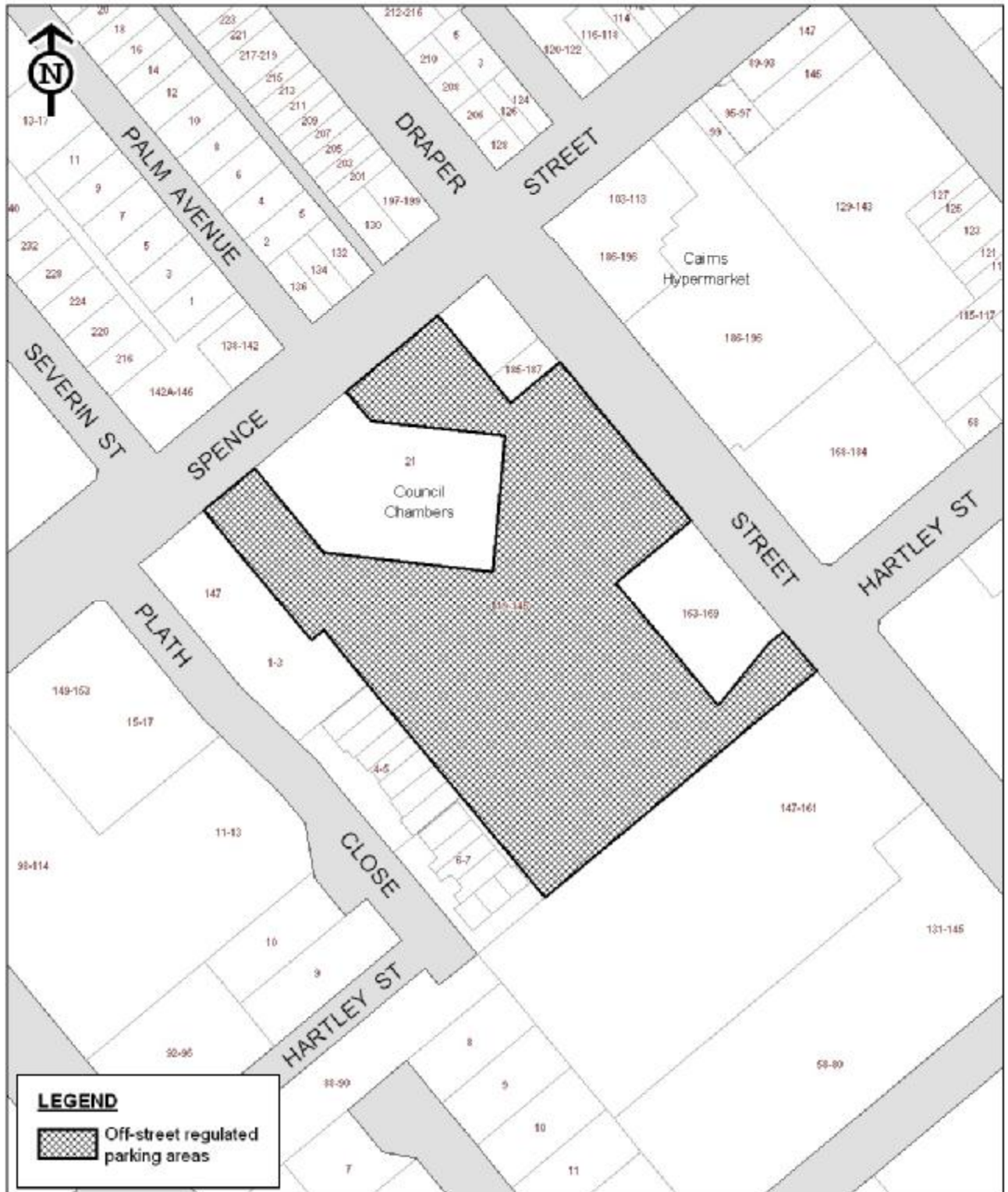


Cairns City off-street regulated parking areas Cairns Regional Council Library Car Park - Map G



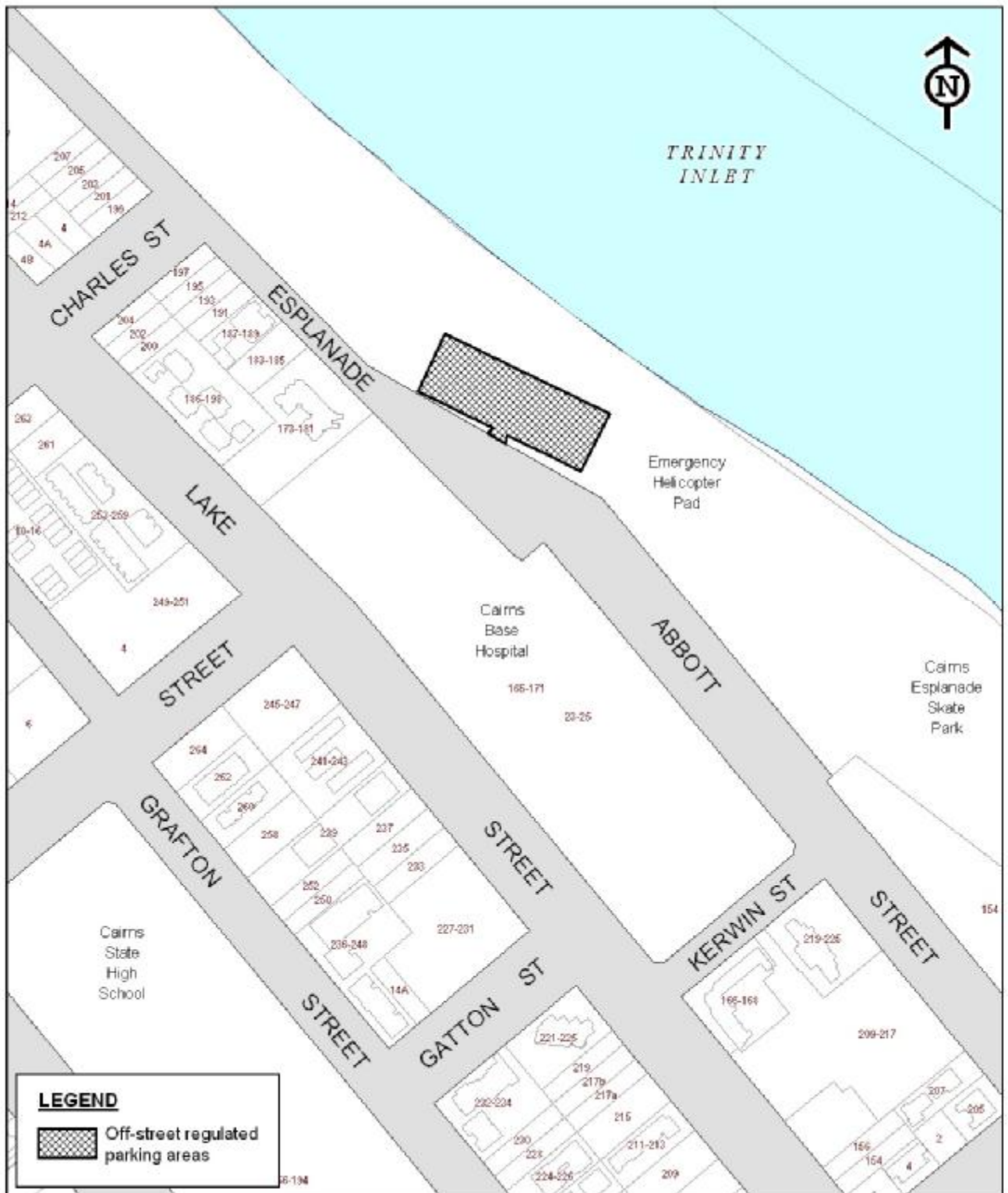
Cairns City off-street regulated parking areas

Council Chambers Car Park - Map H



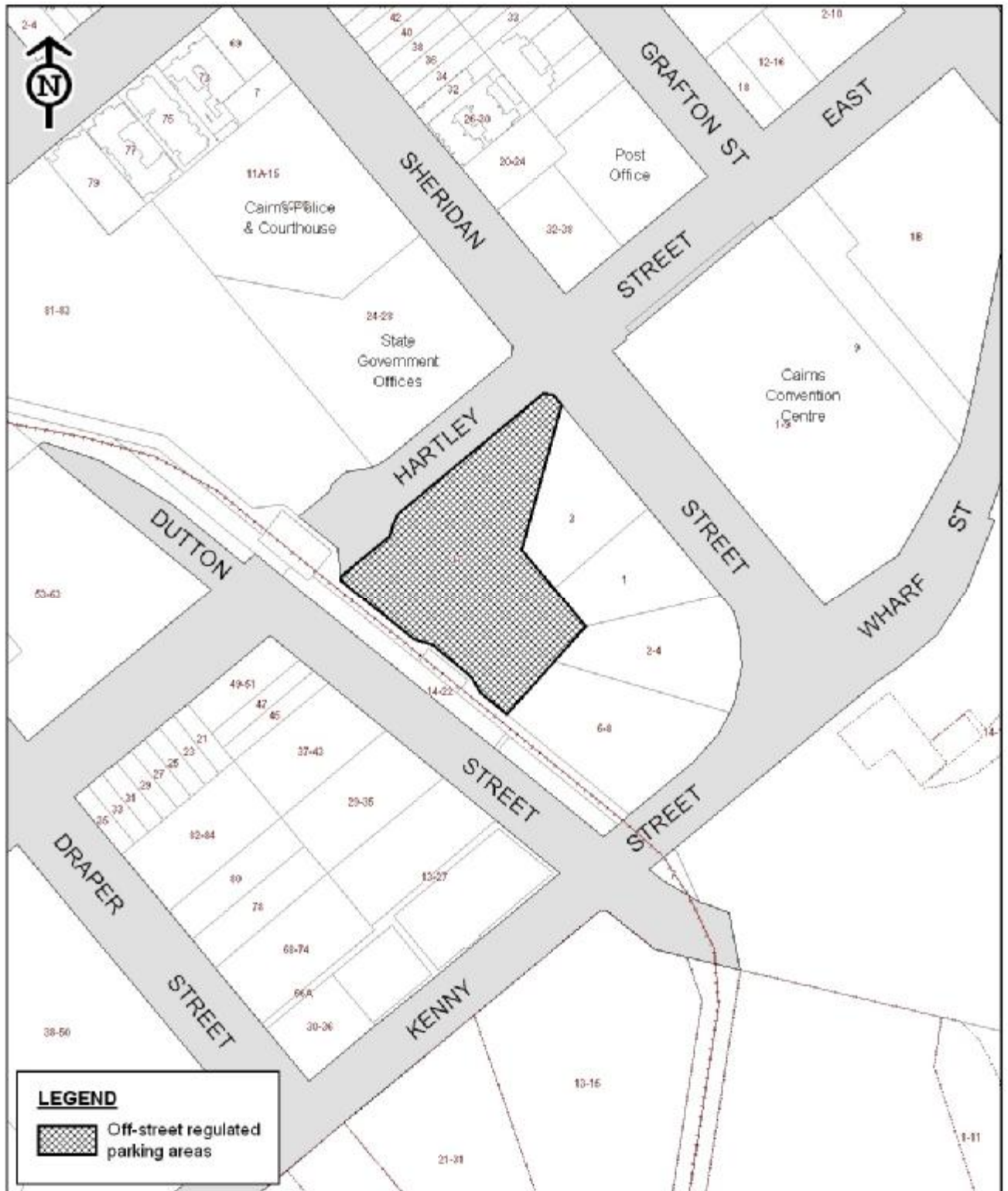
Cairns City off-street regulated parking areas

Hospital Esplanade Car Park - Map I

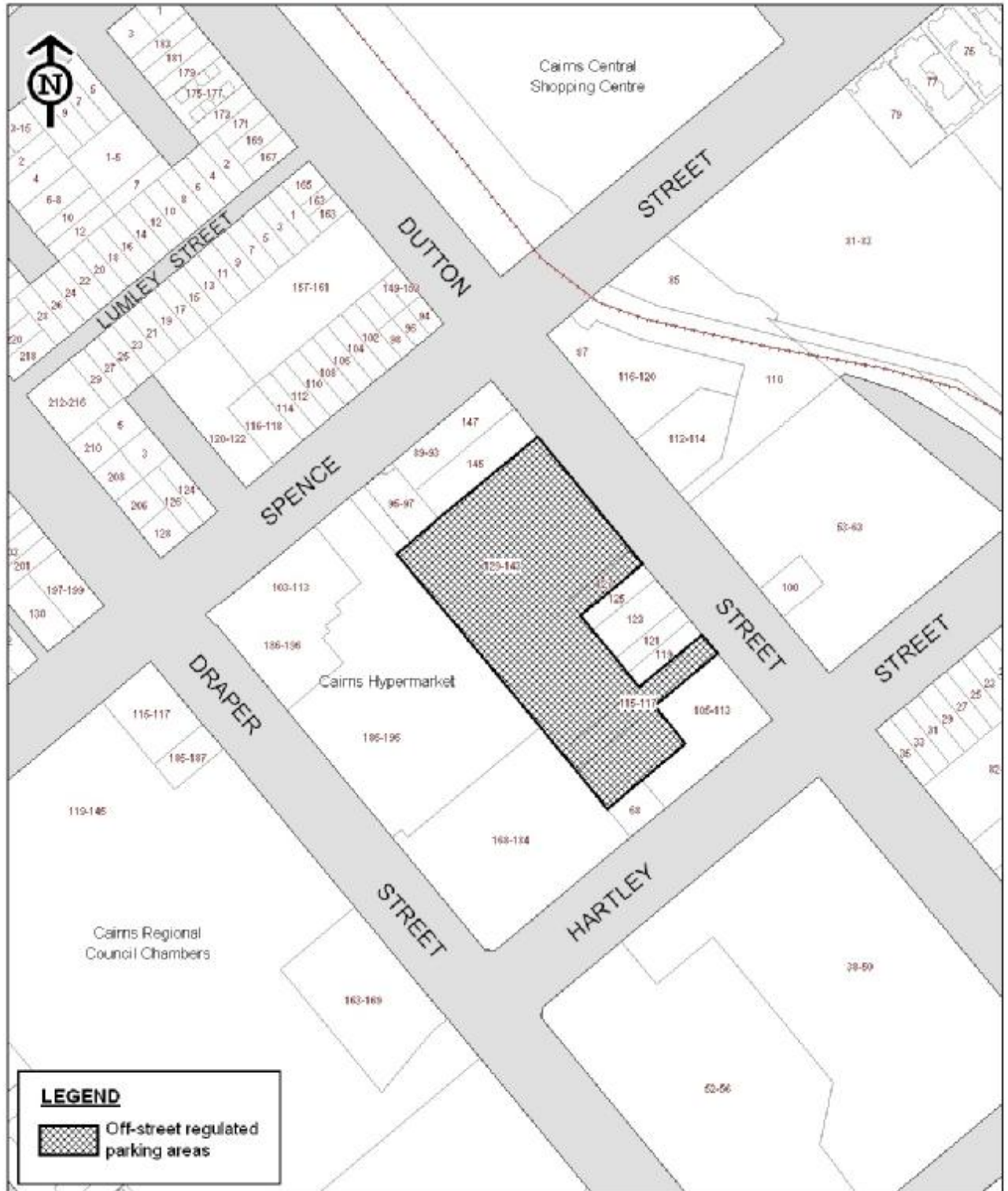


Cairns City off-street regulated parking areas

Hartley Street Car Park - Map J



Cairns City off-street regulated parking areas Bunda Street Car Park - Map K



Schedule 2 - Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1 Minor traffic offence	Column 2 Infringement notice penalty amount
Minor Traffic Offences relating to paid parking of the <i>Transport Operations (Road Use Management) Act 1995 (TORUMA)</i> .	
106 (1) (a) (i) Parking in a designated parking space where a parking meter or parkatarea installed for the space indicates that a parking fee has not been paid	\$20.00 or 0.2 Penalty Units
106 (1) (a) (ii) Parking in a designated parking space without complying with the authorised system that applies for that space	\$20.00 or 0.2 Penalty Units
106 (1) (b) Parking in a designated parking space for a period longer than the maximum time indicated on the official traffic sign installed for the space	\$20.00 or 0.2 Penalty Units
106 (1) (c) Parking in a designated parking space in which another vehicle is parked	\$20.00 or 0.2 Penalty Units
106 (1) (d) Parking in a designated parking space so that the vehicle is not wholly within that space	\$20.00 or 0.2 Penalty Units

<p align="center">Column 1 Minor traffic offence</p>	<p align="center">Column 2 Infringement notice penalty amount</p>
<p>Minor Traffic Offences relating to paid parking of the <i>Transport Operations (Road Use Management- Road Rules) Regulation 2009 (TORUMRRR)</i>.</p>	
<p>167 Stopping on a length of road or in an area to which no stopping sign applies</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>168 (1) Stopping on a length of road or in an area to which no parking sign applies</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>169 Stopping at the side of a road marked with a continuous yellow edge line</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>170 (1) Stopping in an intersection</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>170 (2) Stopping on a road within 20m front the nearest point of an intersecting road at an intersection with traffic lights</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>170 (4) Stopping on a road within 10m from the nearest point of an intersecting road at an intersection without traffic lights</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>171 (1) (a) Stopping on a children's crossing</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>171 (1) (b) Stopping on the road within 20m before the children's crossing or 10m after the crossing</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>172(1) Stopping on a pedestrian crossing that is not an intersection , or on the road within 20m before the crossing and 10m after the crossing</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>173 (1) stopping on a marked foot crossing that is not an intersection, or on the road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>174 (2) Stopping within 10m before the traffic lights nearest to the driver at the place, and 3m after the traffic lights on a road – (a) with bicycle crossing lights facing bicycle riders crossing the road; and (b) With traffic lights facing traffic travelling on the road, and (c) that is not an intersection</p>	<p>\$40.00 or 0.4 Penalty Units</p>

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Minor traffic offence</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Infringement notice penalty amount</p>
Minor Traffic Offences relating to paid parking of the Transport Operations (Road Use Management- Road Rules) Regulation 2009 (TORUMRRR).	
175 (1) Stopping on a level crossing, or on a road within 20m before the nearest rail or track to the driver approaching the crossing and 20m after the nearest rail or track to the driver leaving the crossing	\$40.00 or 0.4 Penalty Units
176 (1) Stopping on a length of road other than a road-related area, to which a clearway sign applies	\$40.00 or 0.4 Penalty Units
179(1) Stopping in a loading zone.	\$40.00 or 0.4 Penalty Units
179(2) Stopping continuously in a loading zone by a bus, truck or motor vehicle displaying a commercial vehicle identification label for longer than 30 minutes or such other time as indicated on the loading zone sign applying to the loading zone.	\$40.00 or 0.4 Penalty Units
179(2A) Stopping continuously in a loading zone by a motor vehicle that is dropping off, or picking up, goods for longer than 20 minutes.	\$40.00 or 0.4 Penalty Units
179(2B) Stopping continuously in a loading zone by a motor vehicle that is dropping off, or picking up, passengers for longer than 2 minutes.	\$40.00 or 0.4 Penalty Units
180 (1) Stopping in a truck zone	\$40.00 or 0.4 Penalty Units
181 (1) Stopping in a works zone	\$40.00 or 0.4 Penalty Units
182(1) Stopping in a taxi zone	\$40.00 or 0.4 Penalty Units
183(1) Stopping in a bus zone	\$100.00 or 1 Penalty Unit
185(1) Stopping in a permit zone unless the driver's vehicle displays a current permit issued under TORUMRRR	\$40.00 or 0.4 Penalty Units
186 (1) Stopping in a mail zone	\$40.00 or 0.4 Penalty Units
187 (1) Stopping in a bus lane, tram lane, transit lane, truck lane.	\$40.00 or 0.4 Penalty Units
187 (2) Stopping in a tram lane, tramway or on tram tracks	\$40.00 or 0.4 Penalty Units
188 Stopping in a shared zone	\$40.00 or 0.4 Penalty Units

<p style="text-align: center;">Column 1 Minor traffic offence</p>	<p style="text-align: center;">Column 2 Infringement notice penalty amount</p>
<p>Minor Traffic Offences relating to paid parking of the Transport Operations (Road Use Management- Road Rules) Regulation 2009 (TORUMRRR).</p>	
<p>189 Stopping on a road – (a) if the roadway is a two-way road – between the centre of the road and another vehicle that is parked at the side of the road; or (b) if the road is a one-way road – between the far side of the road and another vehicle that is parked at the side of the road</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>190 Stopping in a safety zone or on a road within 10m before or after a safety zone</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>191 Stopping on a road near an obstruction on the road in a position that obstructs traffic on the road</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>192 (1) Stopping on a bridge, causeway, ramp or similar structure</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>192 (2) Stopping in a tunnel or underpass</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>193 (1) Stopping on or near a crest on a length of road that is not in a built –up area.</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>194 (1) Stopping within 1m of a fire hydrant, fire hydrant indicator or fire plug indicator</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>195 (1) Stopping at a bus stop, or on the road, within 20m before a sign on the road that indicates the bus stop, and 10m after the sign</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>196 (1) Stopping at a tram stop or on the road within 20m before a sign that indicates a tram stop</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>
<p>197(1) Stopping on a bicycle path, footpath, shared path or dividing strip or nature strip adjacent to a length of road in a built-up area</p>	<p style="text-align: center;">\$20.00 or 0.2 Penalty Units</p>
<p>198(1) Stopping on a road in a position that obstructs access by vehicles or pedestrians to or from a footpath ramp or a similar way of access to a footpath or a bicycle path or passage way.</p>	<p style="text-align: center;">\$20.00 or 0.2 Penalty Units</p>
<p>198(2) Stopping on or across a driveway or other way of access for vehicles travelling to or from adjacent land</p>	<p style="text-align: center;">\$20.00 or 0.2 Penalty Units</p>
<p>199 Stopping on a road within 3m of a public post box</p>	<p style="text-align: center;">\$40.00 or 0.4 Penalty Units</p>

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Minor traffic offence</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Infringement notice penalty amount</p>
<p>Minor Traffic Offences relating to paid parking of the Transport Operations (Road Use Management- Road Rules) Regulation 2009 (TORUMRRR).</p>	
<p>200 (1) Stopping a heavy vehicle, or long vehicle, on a length of road that is not in a built up area, except on the shoulder of the road.</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>200 (2) Stopping a heavy vehicle, or long vehicle on a length of road in a built-up area for longer than 1 hour</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>201 Stopping on a length of road to which a bicycle parking sign applies</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>202 Stopping on a length of road to which a motorbike parking sign applies</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>203(1) Stopping in a parking area for people with disabilities.</p>	<p>\$100.00 or 1 Penalty Unit</p>
<p>205 Parking continuously on a length of road, or in an area, to which a permissive parking sign applies for longer than –</p> <p style="padding-left: 40px;">(a) the period indicated by information on or with the sign ; or</p> <p style="padding-left: 40px;">(b) if the vehicle displays a current parking permit for people with disabilities – the period stated in the permit</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>208(1) Parallel parking on a road – failing to properly position the vehicle (except in a median strip parking area).</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>208 (2) (b) Parallel parking on the road and positioning the vehicle in the direction in which vehicles ordinarily travel on, or next to the part of the road</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>208 (3) Parallel parking on a two-way road, without positioning the vehicle parallel and as near as practicable to the far left side of the road.</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>208 (4) Parallel parking on a one-way road, without positioning the vehicle to the far left or the far right side of the road</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>208 (5) Parallel parking a vehicle less than 1m from the closest point of any vehicle in front of it and any vehicle behind it, not in a parking bay</p>	<p>\$20.00 or 0.2 Penalty Units</p>

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Minor traffic offence</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Infringement notice penalty amount</p>
<p>Minor Traffic Offences relating to paid parking of the Transport Operations (Road Use Management- Road Rules) Regulation 2009 (TORUMRRR).</p>	
<p>208 (6) Parallel parking less than 3m from a continuous dividing line or dividing strip on a road</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>208 (7) Parallel parking and leaving less than 3m of the road alongside the vehicle to allow vehicles to pass where there is no continuous dividing line or a dividing strip.</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>208 (8) Positioning a vehicle that unreasonably obstructs the path of other vehicles or pedestrians</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>208A Parking in a road-related area (except in a median strip parking area) without properly position the vehicle.</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>210(2) Angle parking in a parking area on the side of the road or in a median strip area to which a parking control sign or road marking applies – failure to properly position the vehicle.</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>211(2) Parking a vehicle not completely within a parking bay.</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>211(3) If a vehicle is too wide or long to fit completely within a single parking bay, not parking the vehicle within the number of parking bays needed to park the vehicle.</p>	<p>\$20.00 or 0.2 Penalty Units</p>
<p>212(1) Entering or leaving a median strip parking area in a different direction to the direction that is indicated on a traffic control device.</p>	<p>\$40.00 or 0.4 Penalty Units</p>
<p>212 (2) Entering or leaving a median strip parking area backwards when instead of forwards where there is no information on or with a traffic control device.</p>	<p>\$40.00 or 0.4 Penalty Units</p>

Schedule 3 – Dictionary

tourism-related business a vehicle used in the opinion of an authorised officer to transport tourists or promote tourism.

CERTIFICATION

This and the preceding 23 pages bearing my initials is a certified copy of *Cairns Regional Council Subordinate Local Law No. 5 (Parking) 2011* made in accordance with the provisions of the *Local Government Act 2009*, by Cairns Regional Council by resolution dated 14 December 2011.

Lyn Russell PSM
Chief Executive Officer
Cairns Regional Council