

AMENDMENT SCHEDULE 2 OF SUBORDINATE LOCAL LAW NO. 12 (PARKING) 2016

71/2/01-02 | #7420320

RECOMMENDATION:

That Council:

1. propose to adopt the amendments contained in *Amending Subordinate Local Law No. 12 (Parking) 2024* as outlined in Attachment 1 to this Report (“the Amending Subordinate Local Law”);
2. pursuant to section 257(1)(b) of the Local Government Act 2009 (“the Act”), delegate to the Chief Executive Officer the power to:
 - (a) consult with the public about the proposed Amending Subordinate Local Law for at least 14 days by:
 - (i) publishing a notice (a consultation notice) about the proposed Amending Subordinate Local Law at least once in a newspaper circulating generally in the local government area; and
 - (ii) displaying the consultation notice in a conspicuous place in the local government’s public office from the first day of the consultation period until the end of the last day of the consultation period; and
 - (iii) making copies of the proposed Amending Subordinate Local Law available for inspection at the local government’s public office during the consultation period; and
 - (iv) making copies of the proposed Amending Subordinate Local Law available for purchase at the local government’s public office during the consultation period; and
 - (b) carry out the necessary anti-competitive review consistently with the Act and the *Local Government Regulation 2012*.

INTERESTED PARTIES:

Not applicable

EXECUTIVE SUMMARY:

Cairns Regional Council proposes a reconsideration of applied penalties for parking offences in the central business district and other locations regulated by Council to improve consumer compliance with the regulations.

This reconsideration requires an amendment to the prescribed infringement notice penalty unit amounts for Minor Traffic Offences adopted in Schedule 2 of *Subordinate Local Law No. 12 (Parking) 2016* ("**SLL12**").

Cairns Regional Council proposes to increase by 30% each of the infringement notice penalty unit amounts for Minor Traffic Offences listed in Schedule 2 of SLL12, with one exception.

This report seeks approval from Council to formally resolve to:

1. propose to adopt the amendments contained in *Amending Subordinate Local Law No. 12 (Parking) 2024* as outlined in Attachment 1 to this Report ("**the Amending Subordinate Local Law**");
2. pursuant to section 257(1)(b) of the *Local Government Act 2009* ("**the Act**"), delegate to the Chief Executive Officer the power to:
 - (a) consult with the public about the proposed Amending Subordinate Local Law for at least 14 days by:
 - (i) publishing a notice (a consultation notice) about the proposed Amending Subordinate Local Law at least once in a newspaper circulating generally in the local governments area; and
 - (ii) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
 - (iii) making copies of the proposed Amending Subordinate Local Law available for inspection at the local government's public office during the consultation period; and
 - (iv) making copies of the proposed Amending Subordinate Local Law available for purchase at the local government's public office during the consultation period; and
 - (b) carry out the necessary anti-competitive review consistently with the Act and the *Local Government Regulation 2012*.

BACKGROUND:

Council recently completed its Local Law amendment project however this excluded detailed review or amendment to the infringement notice penalty unit amounts prescribed in Schedule 2 of *Subordinate Local Law No. 12 (Parking) 2016*.

The last time this matter was presented to Council was in September of 2017 at which point Council resolved to increase the quantum of each penalty unit by an amount of 15%.

Recently, Council officers were asked to review the penalty amounts applied and conduct benchmarking with other comparable Queensland local government organisations. The findings of that review found that Cairns Regional Council currently applies lesser penalty units across the schedule of offences than most others, with one exception.

The proposed amendment contains one exception being:

Section 203(1) – Stopping in a parking area for people with disabilities.

This offence is already prescribed at the maximum level under the relevant regulation *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, and the infringement notice penalty amount cannot be amended higher.

Options were presented to Council on a variety of percentage increases with 30% increase being the recommended option.

Advice to the impacts of increasing the penalty amounts included how this would impact infringement notices issued for these minor traffic offences. It was determined that any driver that adheres to the regulations would not be impacted and therefore any increase to penalties should further serve as incentive for proactive compliance.

The request to draft amendments and supporting documents that highlight the increase was provided to external legal advisers (Preston Law) who have prepared the proposed Amending Subordinate Local Law that shows an increase of 30% to each of the penalty unit amounts listed in Schedule 2.

For reference purposes and to consider the proposed amendments in context, Attachment 2 to this Report shows the proposed amendments to Schedule 2 of SLL12 in tracking.

COMMENT:

Under section 29(1) of the *Local Government Act 2009* (“**the Act**”) Council adopted a process for making and amending local laws and subordinate local laws on 27 January 2016.

This is referred as Cairns Regional Council Local Law-Making Process and has been considered as part of Council’s process for the proposed amendments to Schedule 2 of SLL12. (**relevant extracts Attachment 3**)

As the proposed amendments are in relation to a Subordinate Local Law, there is no requirement to undertake a State Interest Check as specified in section 29A of the Act and in accordance with Council’s Local Law-Making Process for making a Subordinate Local Law.

Public Consultation

Pursuant to Council’s Local Law-Making Process, Council is required to consult with the public about the proposed amendments to Schedule 2 of SLL12.

To assist with this process, Council Officers in conjunction with Preston Law have drafted a public consultation package which will include the formal notice required as per the Cairns Regional Council Local Law-Making Process.

Review of Anti-competitive Provisions

Council is required to comply with the procedures prescribed under section 15 of the *Local Government Regulation 2012* (“**the Regulation**”) for the review of anti-competitive provisions in the proposed Amending Subordinate Local Law.

Council is being asked to delegate the power to the Chief Executive Officer to undertake this review in accordance with the requirements of the Regulation and the ‘National Competition Policy Guidelines for Conducting Reviews on Anti-competitive Provisions in Local Laws – Version 1’. It is proposed that this review will be finalised prior to commencement of the public notification process.

State Controlled Roads

Council’s proposed amendment to Schedule 2 of SLL12 contains provisions about the regulation of activities on State controlled roads. These provisions pertain to the parking, stopping and entering of vehicles on State controlled roads within the region.

Written consents have previously been obtained from the Chief Executive of the DTMR (located within DTMR’s response on the State Interest Check process in relation to the adoption of *Local Law No. 12 (Parking) 2016*). This means that Council can amend Schedule 2 of *Subordinate Local Law No. 12 (Parking) 2016* and it will remain applicable to a State controlled road.

OPTIONS:

Option 1: (Recommended)

That Council:

1. propose to adopt the amendments contained in *Amending Subordinate Local Law No. 12 (Parking) 2024* as outlined in Attachment 1 to this Report (“**the Amending Subordinate Local Law**”);
2. pursuant to section 257(1)(b) of the *Local Government Act 2009* (“**the Act**”), delegate to the Chief Executive Officer the power to:
 - (a) consult with the public about the proposed Amending Subordinate Local Law for at least 14 days by:
 - (i) publishing a notice (a consultation notice) about the proposed Amending Subordinate Local Law at least once in a newspaper circulating generally in the local governments area; and
 - (ii) displaying the consultation notice in a conspicuous place in the local government’s public office from the first day of the consultation period until the end of the last day of the consultation period; and

- (iii) making copies of the proposed Amending Subordinate Local Law available for inspection at the local government's public office during the consultation period; and
 - (iv) making copies of the proposed Amending Subordinate Local Law available for purchase at the local government's public office during the consultation period; and
- (b) carry out the necessary anti-competitive review consistently with the Act and the *Local Government Regulation 2012*.

Option 2:

That Council resolves not to proceed with the proposed amendments to Schedule 2 of Subordinate Local Law No. 12 (Parking) 2016 as outlined in Attachment 1 to this Report.

CONSIDERATIONS:

Risk Management:

External Legal advisers have been retained to assist in ensuring Council's statutory obligations, under all relevant legislation, are met.

Council Finance and the Local Economy:

The proposed amendments seek to provide increased incentive for proactive compliance with parking regulations which, if successful, should in turn reduce the volume of infringements issued. The pricing increase will offset the risk of a negative impact on Council finances.

Increased parking turnover from reduced overstays helps support the local economy through greater customer access to local businesses.

Corporate and Operational Plans:

The Review of Schedule 2 of Subordinate *Local Law No. 12 (Parking) 2016* is aligned with the following strategies within Council's Corporate Plan:

Focus Three – Design for Liveability – To deliver valued suburban infrastructure.

Statutory:

Local Laws are made and administered by local authorities in Queensland in accordance with the *Local Government Act 2009*.

CONSULTATION:

Internal consultation has occurred across various Council Directorates including Planning Growth & Sustainability, Finance as well as other Branches and Units within Lifestyle & Community.

Councillors have been consulted and provided information and advice through a series of Councillor workshops.

ATTACHMENTS:

The following attachments will be made available on Council's website:-

Attachment 1: *Amending Subordinate Local Law No. 12 (Parking) 2024*

Attachment 2: Proposed amendments shown in tracking to *Subordinate Local Law No. 12 (Parking) 2016*

Attachment 3: Cairns Regional Council Local Law-Making Process (Extracts dealing with subordinate local laws)



Destry Puia
Director Lifestyle & Community

Attachment 1: Amending Subordinate Local Law No. 12 (Parking) 2024

**Cairns Regional Council
Amending Subordinate Local Law No. 12 (Parking) 2024**

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Part 1 Preliminary

1 Short Title

This local law may be cited as *Amending Subordinate Local Law No. 12 (Parking) 2024*.

2 Object

The object of this local law is to amend *Subordinate Local Law No. 12 (Parking) 2016* to increase the prescribed infringement notice penalty units for certain minor traffic offences listed in Schedule 2.

3 Commencement

This *Amending Subordinate Local Law No. 12 (Parking) 2024* commences on 2 September 2024.

Part 2 Amendment of Subordinate Local Law No. 12 (Parking) 2016

4 Local law amended

This part amends *Subordinate Local Law No. 12 (Parking) 2016*.

5 Amendment of Schedule 2 (Infringement notice penalty amounts for certain minor traffic offences)

(1) Schedule 2, Table—

omit, insert—

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995</i> provision	Minor Traffic Offence	Infringement notice penalty amount
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.	0.6 Penalty Units
106(1)(a)(ii)	Parking in a designated parking space without complying with the	0.6 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
	authorised system that applies for that space.	
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.	0.6 Penalty Units
106(1)(c)	Parking in a designated parking space in which another vehicle is parked.	0.6 Penalty Units
106(1)(d)	Parking in a designated parking space so that the vehicle is not wholly within that space.	0.6 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which no stopping sign applies.	1.2 Penalty Units
168(1)	Stopping on a length of road or in an area to which no parking sign applies.	1.2 Penalty Units
169	Stopping at the side of a road marked with a continuous yellow edge line.	1.2 Penalty Units
170(1)	Stopping in an intersection.	1.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
170(2)	Stopping on a road within 20m from the nearest point of an intersecting road at an intersection with traffic lights.	1.2 Penalty Units
170(4)	Stopping on a road within 10m from the nearest point of an intersecting road at an intersection without traffic lights.	1.2 Penalty Units
171(1)(a)	Stopping on a children’s crossing.	1.2 Penalty Units
171(1)(b)	Stopping on the road within 20m before the children’s crossing or 10m after the crossing.	1.2 Penalty Units
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.	1.2 Penalty Units
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.	1.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
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: (1) with bicycle crossing lights facing bicycle riders crossing the road; and (2) with traffic lights facing traffic travelling on the road, and (3) that is not an intersection.	1.2 Penalty Units
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.	1.2 Penalty Units
176(1)	Stopping on a length of road other than a road-related area, to which a clearway sign applies.	1.2 Penalty Units
179(1)	Stopping in a loading zone.	1.2 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.	1.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
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.	1.2 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.	1.2 Penalty Units
180(1)	Stopping in a truck zone.	1.2 Penalty Units
181(1)	Stopping in a works zone.	1.2 Penalty Units
182(1)	Stopping in a taxi zone.	1.2 Penalty Units
183(1)	Stopping in a bus zone.	1.5 Penalty Unit
185(1)	Stopping in a permit zone unless the driver's vehicle displays a current permit.	1.2 Penalty Units
186(1)	Stopping in a mail zone.	1.2 Penalty Units
187(1)	Stopping in a bus lane, tram lane, transit lane, or truck lane.	1.2 Penalty Units
187(2)	Stopping in a tram lane, tramway or on tram tracks.	1.2 Penalty Units
188	Stopping in a shared zone.	1.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
189	Stopping on a road: (1) 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 (2) 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.	1.2 Penalty Units
190	Stopping in a safety zone or on a road within 10m before or after a safety zone.	1.2 Penalty Units
191	Stopping on a road near an obstruction on the road in a position that obstructs traffic on the road.	1.2 Penalty Units
192(1)	Stopping on a bridge, causeway, ramp or similar structure.	1.2 Penalty Units
192(2)	Stopping in a tunnel or underpass.	1.2 Penalty Units
193(1)	Stopping on or near a crest on a length of road that is not in a built-up area.	1.2 Penalty Units
194(1)	Stopping within 1m of a fire hydrant, fire hydrant indicator or fire plug indicator.	1.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
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.	1.2 Penalty Units
196(1)	Stopping at a tram stop or on the road within 20m before a sign that indicates a tram stop.	1.2 Penalty Units
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.	0.6 Penalty Units
197(1A)	Stopping on a painted island.	0.6 Penalty Units
197(1B)	Stopping on a traffic island.	0.6 Penalty Units
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.	0.6 Penalty Units
198(2)	Stopping on or across a driveway or other way of access for vehicles travelling to or from adjacent land.	0.6 Penalty Units
199	Stopping on a road within 3m of a public post box.	1.2 Penalty Units
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.	1.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
200(2)	Stopping a heavy vehicle, or long vehicle on a length of road in a built-up area for longer than 1 hour.	1.2 Penalty Units
201	Stopping on a length of road to which a bicycle parking sign applies.	0.6 Penalty Units
202	Stopping on a length of road to which a motorbike parking sign applies.	0.6 Penalty Units
203(1)	Stopping in a parking area for people with disabilities.	4 Penalty Units
203A	Stopping in a slip lane.	0.6 Penalty Units
203C	Stopping in a parking area for the charging of electric-powered vehicles.	0.6 Penalty Units
205	Parking continuously on a length of road, or in an area, to which a permissive parking sign applies for longer than: (1) the period indicated by information on or with the sign; or (2) if the vehicle displays a current parking permit for people with disabilities – the period stated in the permit.	0.6 Penalty Units
208(1)	Parallel parking on a road: failing to properly position the vehicle (except in a median strip parking area).	0.6 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
208A	Parking in a road-related area (except in a median strip parking area) without properly positioning the vehicle.	0.6 Penalty Units
209	Parallel parking in a median strip parking area: failing to properly position the vehicle.	0.6 Penalty Units
210(1)	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.	0.6 Penalty Units
211(2)	Parking a vehicle not completely within a parking bay.	0.6 Penalty Units
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.	0.6 Penalty Units
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.	1.2 Penalty Units
212(2)	Entering or leaving a median strip parking area backwards instead of forwards where there is no information on or with a traffic control device.	1.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking).	0.6 Penalty Units

Attachment 2: Proposed amendments shown in tracking to Subordinate Local Law No. 12 (Parking) 2016

Cairns Regional Council Subordinate Local Law No. 12 (Parking) 2016



Cairns Regional Council Subordinate Local Law No. 12 (Parking) 2016

Current as at

Cairns Regional Council Subordinate Local Law No. 12 (Parking) 2016

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 12 (Parking) 2016*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to support *Local Law No. 12 (Parking) 2016* to regulate parking on local government controlled areas and roads.
- (2) The purpose is to be achieved by:
 - (a) identifying the declared off-street regulated parking areas; and
 - (b) providing 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 *Local Law No. 12 (Parking) 2016* (the **authorising local law**).

Schedule 1 – Declaration of off-street regulated parking areas

Section 5 Local Law No. 12 (Parking) 2016

Cairns off-street regulated parking areas

Lake Street Parking Station – Map A



Cairns off-street regulated parking areas

Southern Esplanade Car Park – Map B



Cairns off-street regulated parking areas

Cairns Performing Arts Centre (CPAC) Car Park – Map C



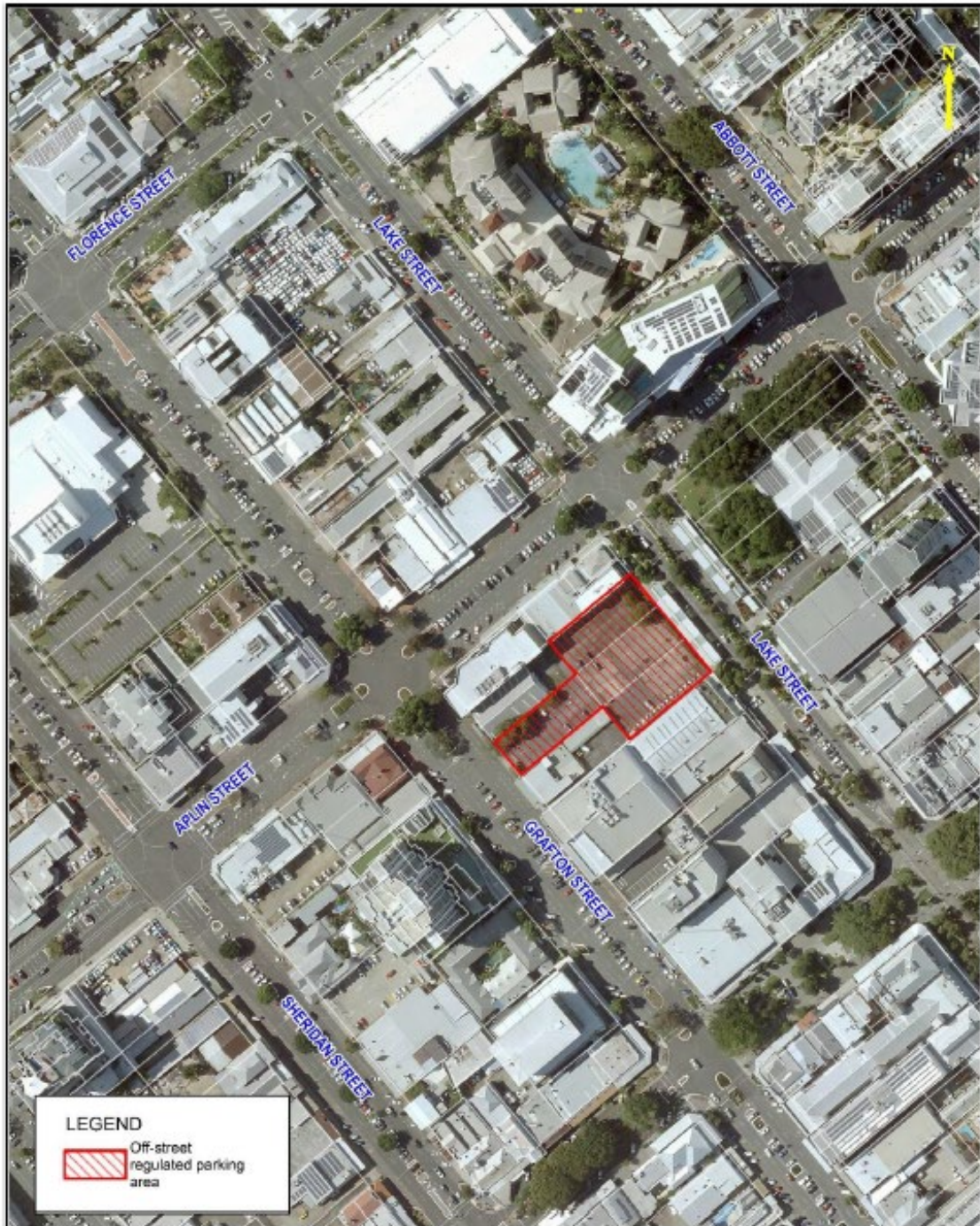
Cairns off-street regulated parking areas

Tingira Street Car Park – Map D



Cairns off-street regulated parking areas

Grafton Street North Car Park (Old Library Car Park) – Map E



Cairns off-street regulated parking areas

Cairns Regional Council Library Car Park – Map F



Cairns off-street regulated parking areas

Cairns Regional Council Chambers Car Park – Map G



Cairns off-street regulated parking areas

Hospital Esplanade Car Park – Map H



Cairns off-street regulated parking areas

Hartley Street Car Park – Map I



Cairns off-street regulated parking areas

Bunda Street Car Park – Map J



Cairns off-street regulated parking areas

McKenzie Street Car Park – Map K



Cairns off-street regulated parking areas

Skate Park Car Park – Map L



Cairns off-street regulated parking areas

Smith Street Car Park – Map M



Cairns off-street regulated parking areas

Palm Cove Jetty Car Park – Map N



Cairns off-street regulated parking areas

Bluewater Boat Ramp Car Park – Map O



Cairns off-street regulated parking areas

Tanks Car Park – Map P



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

Section 7 Local Law No. 12 (Parking) 2016

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
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.	0.460.6 Penalty Units
106(1)(a)(ii)	Parking in a designated parking space without complying with the authorised system that applies for that space.	0.460.6 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.	0.460.6 Penalty Units
106(1)(c)	Parking in a designated parking space in which another vehicle is parked.	0.460.6 Penalty Units
106(1)(d)	Parking in a designated parking space so that the vehicle is not wholly within that space.	0.460.6 Penalty Units

Column 1		Column 2
Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which no stopping sign applies.	0.921.2 Penalty Units
168(1)	Stopping on a length of road or in an area to which no parking sign applies.	0.921.2 Penalty Units
169	Stopping at the side of a road marked with a continuous yellow edge line.	0.921.2 Penalty Units
170(1)	Stopping in an intersection.	0.921.2 Penalty Units
170(2)	Stopping on a road within 20m from the nearest point of an intersecting road at an intersection with traffic lights.	0.921.2 Penalty Units
170(4)	Stopping on a road within 10m from the nearest point of an intersecting road at an intersection without traffic lights.	0.921.2 Penalty Units
171(1)(a)	Stopping on a children's crossing.	0.921.2 Penalty Units
171(1)(b)	Stopping on the road within 20m before the children's crossing or 10m after the crossing.	0.921.2 Penalty Units
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.	0.921.2 Penalty Units

Column 1		Column 2
Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision	Minor Traffic Offence	Infringement notice penalty amount
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.	0.921.2 Penalty Units
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: (1) with bicycle crossing lights facing bicycle riders crossing the road; and (2) with traffic lights facing traffic travelling on the road, and (3) that is not an intersection.	0.921.2 Penalty Units
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.	0.921.2 Penalty Units
176(1)	Stopping on a length of road other than a road-related area, to which a clearway sign applies.	0.921.2 Penalty Units
179(1)	Stopping in a loading zone.	0.921.2 Penalty Units

Column 1		Column 2
Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision	Minor Traffic Offence	Infringement notice penalty amount
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.	0.92 <u>1.2</u> 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.	0.92 <u>1.2</u> 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.	0.92 <u>1.2</u> Penalty Units
180(1)	Stopping in a truck zone.	0.92 <u>1.2</u> Penalty Units
181(1)	Stopping in a works zone.	0.92 <u>1.2</u> Penalty Units
182(1)	Stopping in a taxi zone.	0.92 <u>1.2</u> Penalty Units
183(1)	Stopping in a bus zone.	1.45 <u>1.5</u> Penalty Unit
185(1)	Stopping in a permit zone unless the driver's vehicle displays a current permit.	0.92 <u>1.2</u> Penalty Units
186(1)	Stopping in a mail zone.	0.92 <u>1.2</u> Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
187(1)	Stopping in a bus lane, tram lane, transit lane, or truck lane.	0-921.2 Penalty Units
187(2)	Stopping in a tram lane, tramway or on tram tracks.	0-921.2 Penalty Units
188	Stopping in a shared zone.	0-921.2 Penalty Units
189	Stopping on a road: (1) 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 (2) 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.	0-921.2 Penalty Units
190	Stopping in a safety zone or on a road within 10m before or after a safety zone.	0-921.2 Penalty Units
191	Stopping on a road near an obstruction on the road in a position that obstructs traffic on the road.	0-921.2 Penalty Units
192(1)	Stopping on a bridge, causeway, ramp or similar structure.	0-921.2 Penalty Units
192(2)	Stopping in a tunnel or underpass.	0-921.2 Penalty Units
193(1)	Stopping on or near a crest on a length of road that is not in a built-up area.	0-921.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
194(1)	Stopping within 1m of a fire hydrant, fire hydrant indicator or fire plug indicator.	0.921.2 Penalty Units
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.	0.921.2 Penalty Units
196(1)	Stopping at a tram stop or on the road within 20m before a sign that indicates a tram stop.	0.921.2 Penalty Units
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.	0.460.6 Penalty Units
197(1A)	Stopping on a painted island.	0.460.6 Penalty Units
197(1B)	Stopping on a traffic island.	0.460.6 Penalty Units
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.	0.460.6 Penalty Units
198(2)	Stopping on or across a driveway or other way of access for vehicles travelling to or from adjacent land.	0.460.6 Penalty Units
199	Stopping on a road within 3m of a public post box.	0.921.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
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.	0-921.2 Penalty Units
200(2)	Stopping a heavy vehicle, or long vehicle on a length of road in a built-up area for longer than 1 hour.	0-921.2 Penalty Units
201	Stopping on a length of road to which a bicycle parking sign applies.	0-460.6 Penalty Units
202	Stopping on a length of road to which a motorbike parking sign applies.	0-460.6 Penalty Units
203(1)	Stopping in a parking area for people with disabilities.	4 Penalty Units
203A	Stopping in a slip lane.	0-460.6 Penalty Units
203C	Stopping in a parking area for the charging of electric-powered vehicles.	0-460.6 Penalty Units
205	Parking continuously on a length of road, or in an area, to which a permissive parking sign applies for longer than: (1) the period indicated by information on or with the sign; or (2) if the vehicle displays a current parking permit for people with disabilities – the period stated in the permit.	0-460.6 Penalty Units

Column 1		Column 2
Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision	Minor Traffic Offence	Infringement notice penalty amount
208(1)	Parallel parking on a road: failing to properly position the vehicle (except in a median strip parking area).	0.460.6 Penalty Units
208A	Parking in a road-related area (except in a median strip parking area) without properly positioning the vehicle.	0.460.6 Penalty Units
209	Parallel parking in a median strip parking area: failing to properly position the vehicle.	0.460.6 Penalty Units
210(1)	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.	0.460.6 Penalty Units
211(2)	Parking a vehicle not completely within a parking bay.	0.460.6 Penalty Units
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.	0.460.6 Penalty Units
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.	0.921.2 Penalty Units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
212(2)	Entering or leaving a median strip parking area backwards instead of forwards where there is no information on or with a traffic control device.	0-92 <u>1.2</u> Penalty Units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking).	0-46 <u>0.6</u> Penalty Units

Attachment 3: Cairns Regional Council Local Law-Making Process (Extracts dealing with subordinate local laws)

A) Making a subordinate local law

The process (“subordinate local law-making process”) stated in this resolution must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use steps 1 to 5 of the subordinate local law-making process (other than actually making the subordinate local law) before the proposed authorising law is made if-

- (a) in making the proposed authorising law, the local government has to satisfy**
 - (i) the model local law-making process; or**
 - (ii) the other local law-making process; or**
 - (iii) the interim local law-making process; and**
- (b) if the proposed authorising law is made under the other local law-making process – the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 3 of the other local law making process is published.**

Step 1 - By resolution, propose to make the proposed subordinate local law.

Step 2 - (1) Consult with the public about the proposed subordinate local law for at least 14 days (the consultation period) by-

- (a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local governments area; and**
- (b) displaying the consultation notice in a conspicuous place in the local government’s public office from the first day of the consultation period until the end of the last day of the consultation period; and**
- (c) making a copy of the proposed subordinate local law available for inspection at the local government’s public office during the consultation period; and**
- (d) making copies of the proposed subordinate local law available for purchase at the local government’s public office during the consultation period.**

(2) The consultation must state the following-

- (a) the name of the proposed subordinate local law; and**

- (b) the name of-**
 - (i) the local law allowing the proposed subordinate local law to be made; or**
 - (ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished – the proposed authorising law; and**
- (c) the purpose and general effect of the proposed subordinate local law; and**
- (d) the length of the consultation period and the first and last days of the period; and**
- (e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating-**
 - (i) the grounds of the submission; and**
 - (ii) the facts and circumstances relied on in support of the grounds.**

Step 3 - If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.

- Step 4 -**
- (1) Accept and consider every submission properly made to the local government.**
 - (2) A submission is properly made to the local government if it-**
 - (a) is the written submission of any person about the proposed subordinate local law; and**
 - (b) states-**
 - (i) the grounds of the submission; and**
 - (ii) the facts and circumstances relied on in support of the grounds; and**
 - (c) is given to the local government on or before the last day of the consultation period.**

Step 5 - (1) By resolution, decide whether to-

- (a) make the proposed subordinate local law as advertised; or**

- (b) make the proposed subordinate local law with amendments; or
 - (c) not proceed with the making of the proposed subordinate local law.
 - (2) If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again-
 - (a) consult with the public at step 2; and
 - (b) accept and consider every submission properly made to the local government at step 4.
 - (3) For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.
- Step 6 -** If there is an existing local law about the matter that is inconsistent with the local law, so that there is no inconsistency amend or repeal the existing local law by resolution at the same time that the subordinate local law is resolved to be made by the local government.
- Step 7 -** Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 8 -** As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office, at a cost no more than the cost to the local government.
- Step 9 -** Within 14 days after the notice is published in the gazette, give the Minister-
- (a) a copy of the notice; and
 - (b) a copy of the subordinate local law in electronic form;
- Step 10 -** Update the local governments register of its local laws.