

Subordinate Local Law No. 5 (Parking) 2012

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2012*.

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) 2012*, 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 that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; 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 *Local Law No. 5 (Parking) 2012* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate 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, each part of the local government area indicated by hatching in the map in schedule 1 is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of each traffic area are indicated by bold lines circumscribing the hatched areas on the map in schedule 1.

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

For section 6(1) of the authorising local law, each area of land identified in schedule 2 is

declared to be an off-street regulated parking area.

Part 3 Parking contrary to parking restriction

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

No person may be issued with a parking permit.

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

(1) For section 8(2) of the authorising local law, this section prescribes the vehicles that may be issued with a commercial vehicle identification label.

(2) A vehicle may be issued with a commercial vehicle identification label if the vehicle—

(a) is used for carrying on a business that requires the regular use of loading zones; and

(b) is—

(i) a horse drawn vehicle constructed, fitted or equipped for the carriage of goods; or

(ii) a motor vehicle (excluding any car or motorbike) constructed, fitted or equipped for the carriage of goods; or

(iii) a motor vehicle constructed, fitted or equipped for the carriage of persons.

(3) Also, a vehicle may be issued with a commercial vehicle identification label if a commercial vehicle identification label is displayed on the vehicle and—

(a) the vehicle on which the label is displayed is the vehicle specified on the label; and

(b) the date specified on the label has not passed.

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 amount¹ for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

¹ See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law—the amount, not more than \$100.00, prescribed under a regulation. See section 2A of the *Penalties and Sentences Regulation 2005*. The value of the penalty unit for a local law made by a local government mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2 of the Regulation is \$75.00. The value of a penalty unit for a local law made by a local government not mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2 of the Regulation, is \$100.00.

Schedule 1 Declaration of traffic area

Section 5

No traffic area declared.

Schedule 2 Declaration of off-street regulated parking areas

Section 6

1. Johnstone Street carpark Johnstone Street, Ingham, more particularly described as lots 7 and 8 on registered plan 722006, County of Cardwell, Parish of Trebonne.
2. Council Shire Hall carpark off McIlwraith Street, Townsville Road and Shire Hall Lane, Ingham, more particularly described as lot 3 on registered plan 709783 and lot 309 on plan I2243 and lot 11 on plan I22493, County of Cardwell, Parish of Trebonne.

Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

Section 9

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 a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	0.4 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.4 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.4 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.4 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.4 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 a no stopping sign applies	0.4 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
169	Stopping at the side of a road marked with a continuous yellow edge line	0.4 penalty units
170(1)	Stopping in an intersection	0.2 penalty units
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.2 penalty units
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	0.2 penalty units
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.2 penalty units
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.2 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.4 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.4 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.4 penalty units
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.4 penalty units
181	Unauthorised driver stopping in a works zone	0.5 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
182(1)	Stopping an unauthorised vehicle in a taxi zone	1 penalty unit
183(1)	Stopping an unauthorised vehicle in a bus zone	1 penalty unit
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	1 penalty unit
185(1)	Stopping an unauthorised vehicle in a permit zone	1 penalty unit
186(1)	Stopping in a mail zone	1 penalty unit
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	0.4 penalty units
191	Stopping on a road so as to obstruct traffic	0.4 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	0.4 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	0.4 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	0.4 penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	0.2 penalty units
199	Stopping near a postbox	0.2 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
202	Stopping contrary to a motorbike parking sign	0.2 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1 penalty unit
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.5 penalty units
208(1)	Parking on a two way road other than parallel and as near as practicable to the far left side of the road	0.4 penalty units
208(1)	Parking on a one way road other than to the far left or far right of the road unless permitted by a sign	0.4 penalty units
208(1)	Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign.	0.4 penalty units
210(1)	Angle parking - failing to properly position the vehicle.	0.2 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.2 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.2 penalty units

Schedule 4 Dictionary

Section 4

off-street regulated parking area has the meaning given in the authorising local law.

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 5 (Parking) 2012* made in accordance with the provisions of the *Local Government Act 2009* by Hinchinbrook Shire Council by resolution dated the 14th day of June 2012.

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RW Clark

Chief Executive Officer