

Local Government Act 1995

Shire of Dalwallinu

General Amendment Local Law 2014

Under the powers conferred by the *Local Government Act 1995*, the *Cemeteries Act 1986*, the *Dividing Fences Act 1961* and all other powers enabling it, the Council of the Shire of Dalwallinu resolved on the 27 May 2014 to make the *Shire of Dalwallinu General Amendment Local Law 2014* as follows -

1. This local law may be cited as the *Shire of Dalwallinu General Amendment Local Law 2014*.
2. This local law commences on the 14th day after its publication in the *Government Gazette*.
3. The *Shire of Dalwallinu Local Government Property Local Law* as published in the *Government Gazette* of 17 January 2000 is amended as follows—
 - 3.1 In Part 1 in the definition of "Liquor" delete the words "*Liquor Licensing Act 1988*" and insert "*Liquor Control Act 1988*".
 - 3.2 In sub-clause 3.4(2)(h) delete the words "*Liquor Licensing Act 1988*" and insert "*Liquor Control Act 1988*".
 - 3.3 In sub-clause 3.15(1)(a) delete the words "*Liquor Licensing Act 1988*" and insert "*Liquor Control Act 1988*".
 - 3.4 In sub-clause 3.16(d) delete the words "*Liquor Licensing Act 1988*" and insert "*Liquor Control Act 1988*".
 - 3.5 Bold the heading "No prohibited drugs" of clause 4.5.
 - 3.6 Delete the existing Schedule 1 and insert the following;

"SCHEDULE 1
PRESCRIBED OFFENCES
Local Government Property Local Law

CLAUSE	DESCRIPTION	MODIFIED PENALTY \$
2.4	Failure to comply with determination	125
3.6	Failure to comply with conditions of permit	125

3.13(1)	Failure to obtain a permit	125
3.14(3)	Failure to obtain permit to camp outside a facility	125
3.15(1)	Failure to obtain permit for liquor	125
3.16	Failure of permit holder to comply with responsibilities	125
4.2(1)	Behaviour detrimental to property	125
4.4	Under influence of liquor or prohibited drug	125
4.6(2)	Failure to comply with sign on local government property	125
5.2	Unauthorized entry to fenced or closed local government property	125
5.3	Gender not specified using entry of toilet block or change room	125
5.4(1)	Unauthorised presence of animal on aerodrome	500
5.4(2)	Animal wandering at large on aerodrome – person in charge	500
5.4(3)	Animal wandering at large on aerodrome – owner	500
6.1(1)	Unauthorized entry to function on local government property	125
9.1	Failure to comply with notice	250

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4. *The Shire of Dalwallinu Activities on Thoroughfares and Trading in Thoroughfares and Public Places Local Law* as published in the Government Gazette of 9 May 2000 is amended as follows—
 - 4.1 In clause 1.2 in the definition of “built up area” delete “1975” and insert “2000”;
 - 4.2 In clause 1,2 delete the definition of “carriageway” and insert a new definition ““carriageway” has the meaning given to it in the *Road Traffic Code 2000*”;
 - 4.3 In clause 1.2 delete the definition of “footpath” and insert a new definition

““footpath” has the meaning given to it in the *Road Traffic Code 2000*”;

- 4.4 In clause 1.2 in the definition of “intersection” delete “1975” and insert “2000”;
- 4.5 At the end of sub-clause 6.8(1)(b) delete “; and” and insert a full stop and delete sub-clause 6.8(1)(c);
- 4.6 In clause 6.17(b) delete “*Health Act 1911*” and insert “*Food Act 2008*”;
- 4.7 Delete clause 6.17(c);
- 4.8 In clause 6.18(1)(a) delete the words “and any local law made under section 172 of the *Health Act 1911*”;
5. The *Shire of Dalwallinu Parking & Parking Facilities Local Law* as published in the *Government Gazette* of 17 January 2000 is amended as follows—
 - 5.1 In clause 1.2(1) in the appropriate alphabetical order, insert the following definition “‘ACROD sticker’ has the meaning given to it by the Code;”
 - 5.2 In clause 1.2(1) delete the definition of “bicycle” and insert “‘bicycle’ has the meaning given to it by the Code;”
 - 5.3 In clause 1.2(1) in the definition of “Code” delete “1975” and insert “2000”;
 - 5.4 In clause 1.2(1) delete the definition of “footpath” and insert “‘footpath’ has the meaning given to it by the Code;”
 - 5.5 In clause 1.2(1) delete the definition of “motorcycle” and insert “‘motorcycle’ has the meaning given to it by the Code;”
 - 5.6 In clause 1.2(1) delete the definition of “no parking area” and insert “‘no parking area’ has the meaning given to it by the Code;”
 - 5.7 In clause 1.2(1) after the definition of “no parking area” insert the following definitions;

“‘no parking sign’ means a sign with the words ‘no parking’ in red letters on a white background, or the letter ‘P’ within a red annulus and a red diagonal line across it on a white background;

‘no stopping area’ has the meaning given to it by the Code;

‘no stopping sign’ means a sign with the words ‘no stopping’ or ‘no standing’ in red letters on a white background or the letter ‘S’ within a red annulus and a red diagonal line across it on a white background;”

- 5.8 In clause 1.2(1) in the definition of “park” insert a part (c) as follows;
- “(c) taking up or setting down persons or goods (*maximum of 2 minutes*);”
- 5.9 In clause 1.2(1) delete the definition of “parking area” and insert “‘parking area’ has the meaning given to it by the Code;”
- 5.10 In clause 1.2(1) after the definition of “Schedule” insert the following, “‘shared zone’ has the meaning given to it by the Code;”
- 5.11 In clause 1.2(1) after the definition of “special purpose vehicle” insert the following, “‘stop’ in relation to a vehicle means to stop a vehicle and permit it to remain stationary, except for the purposes of avoiding conflict with other traffic or of complying with the provisions of any law;”
- 5.12 In clause 1.2(1) in the definition of “symbol” delete “AS 1742.11-1989” and insert “AS 1742.11-1999”
- 5.13 In clause 1.2(1) delete the definition of “taxi” and insert the following, “‘taxi’ means a taxi within the meaning of the *Taxi Act 1994* or a taxi-car in section 47Z of the *Transport Co-ordination Act 1966*;”
- 5.14 In clause 1.2(1) delete the definition of “vehicle” and insert “‘vehicle’ has the meaning given to it by the Code;”
- 5.15 In clause 1.3 in sub-clause (6) replace the full stop at the end of that clause with a semi-colon and insert a sub-clause, “(7) The provisions of Parts (2), (3), (4) and (5) do not apply to a bicycle parked at a bicycle rail or bicycle rack.”
- 5.16 In clause 2.4 insert an additional sub-clause 3 as follows,
- “(3) Notwithstanding the provisions of subclause (1)(b) a driver may park a vehicle in a permissive parking stall or station (except in a parking area for people with disabilities) for twice the length of time allowed, provided that:
- (a) the driver's vehicle displays an ACROD sticker; and
- (b) a person with disabilities to which that ACROD sticker relates is either the driver of or a passenger in the vehicle.”
- 5.17 Delete clause 3.2 and insert the following;

“3.2 Restrictions on parking in particular areas

- (1) Subject to subclause (2), a person shall not park a vehicle in a thoroughfare or part of a thoroughfare, or part of a parking station:
 - (a) if by a sign it is set apart for the parking of vehicles of a different class;
 - (b) if by a sign it is set apart for the parking of vehicles by persons of a different class; or
 - (c) during any period when the parking of vehicles is prohibited by a sign.
- (2)
 - (a) This subclause applies to a driver if:
 - (i) the driver's vehicle displays an ACROD sticker; and
 - (ii) a disabled person to which the ACROD sticker relates is either the driver of the vehicle or a passenger in the vehicle.
 - (b) The driver may park a vehicle in a thoroughfare or a part of a thoroughfare or part of a parking station, except in a thoroughfare or a part of a thoroughfare or part of a parking station to which a disabled parking sign relates for twice the period indicated on the sign.
- (3) A person shall not park a vehicle:
 - (a) in a no parking area;
 - (b) in a parking area, except in accordance with both the signs associated with the parking area and with this Local Law;
 - (c) in a stall marked 'M/C' unless it is a motorcycle without a sidecar or a trailer, or it is a bicycle.
- (4) A person shall not park a motorcycle without a sidecar or a trailer, or a bicycle in a parking stall unless the stall is marked 'M/C'.
- (5) A person shall not, without the prior permission of the local government, the CEO, or an Authorized Person,

park a vehicle in an area designated by a sign stating 'Authorized Vehicles Only'."

- 5.18 In sub-clause 3.7(2)(e) delete "9" and insert "10";
- 5.19 In sub-clause 3.7(2)(l) delete "6" and insert "10" and remove the full stop at the end of the sub-clause and insert the following ", unless a sign or markings on the carriageway indicate otherwise."
- 5.20 In sub-clause 3.7(3) delete "9" and insert "10";
- 5.21 In sub-clause 3.7(4) delete "18" and insert "20";
- 5.22 After clause 3.17 insert a new clause 3.18 as follows,
- "3.18 No stopping and no parking signs, and yellow edge lines
- (1) No stopping
- A driver shall not stop on a length of carriageway, or in an area, to which a 'no stopping' sign applies.
- (2) No parking
- A driver shall not stop on a length of carriageway or in an area to which a 'no parking' sign applies, unless the driver is-
- (a) dropping off, or picking up, passengers or goods;
- (b) does not leave the vehicle unattended; and
- (c) completes the dropping off, or picking up, of the passengers or goods within 2 minutes of stopping and drives on.
- 'unattended', in relation to a vehicle, means that the driver has left the vehicle so that the driver is more than 3 metres from the closest point of the vehicle.
- (3) No stopping on a carriageway with yellow edge lines
- A driver shall not stop at the side of a carriageway marked with a continuous yellow edge line."
- 5.23 After Part 3 insert a new Part 4 as follows,

“PART 4 – STOPPING IN ZONES FOR PARTICULAR VEHICLES

4.1 Stopping in a loading zone

A person shall not stop a vehicle in a loading zone unless it is:

- (a) a motor vehicle used for commercial or trade purposes engaged in the picking up or setting down of goods; or
- (b) a motor vehicle taking up or setting down passengers, but, in any event, shall not remain in that loading zone:
- (c) for longer than a time indicated on the 'loading zone' sign; or
- (d) longer than 30 minutes (if no time is indicated on the sign).

4.2 Stopping in a taxi zone or a bus zone

- (1) A driver shall not stop in a taxi zone, unless the driver is driving a taxi.
- (2) A driver shall not stop in a bus zone unless the driver is driving a public bus, or a bus of a type that is permitted to stop at the bus zone by information on or with the 'bus zone' sign applying to the bus zone.

4.3 Stopping in a mail zone

A person shall not stop a vehicle in a mail zone.

4.4 Other limitations in zones

A person shall not stop a vehicle in a zone to which a traffic sign applies if stopping the vehicle would be contrary to any limitation in respect to classes of persons or vehicles, or specific activities allowed, as indicated by additional words on a traffic sign that applies to the zone.”

5.24 After new Part 4 insert a new Part 5 as follows,

“PART 5 – OTHER PLACES WHERE STOPPING IS RESTRICTED

5.1 Stopping In A Shared Zone

A driver shall not stop in a shared zone unless:

- (1) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws;
- (2) the driver stops in a parking bay and the driver is permitted to stop in the parking bay under these Local Laws;
- (3) the driver is dropping off, or picking up, passengers or goods; or
- (4) the driver is engaged in door-to-door delivery or collection of goods, or in the collection of waste or garbage.

5.2 Double parking

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is between any other stopped vehicle and the centre of the carriageway.
- (2) This clause does not apply to:
 - (a) a driver stopped in traffic; or
 - (b) a driver angle parking on the side of the carriageway or in a median strip parking area, in accordance with these Local Laws.

5.3 Stopping near an obstruction

A driver shall not stop on a carriageway near an obstruction on the carriageway in a position that further obstructs traffic on the carriageway.

5.4 Stopping on a bridge etc.

- (1) A driver shall not stop a vehicle on a bridge, causeway, ramp or similar structure unless:
 - (a) the carriageway is at least as wide on the structure as it is on each of the approaches and a traffic sign does not prohibit stopping or parking; or

- (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

5.5 Stopping on crests, curves, etc.

- (1) Subject to subclause (2), a driver shall not stop a vehicle on, or partly on, a carriageway, in any position where it is not visible to the driver of an overtaking vehicle, from a distance of 50 metres within a built-up area, and from a distance of 150 metres outside a built-up area.
- (2) A driver may stop on a crest or curve on a carriageway that is not in a built-up area if the driver stops at a place on the carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

5.6 Stopping near a fire hydrant etc

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within one metre of a fire hydrant or fire plug, or of any sign or mark indicating the existence of a fire hydrant or fire plug, unless:
 - (a) the driver is driving a public bus, and the driver stops in a bus zone or at a bus stop and does not leave the bus unattended; or
 - (b) the driver is driving a taxi, and the driver stops in a taxi zone and does not leave the taxi unattended.
- (2) In this clause a driver leaves the vehicle 'unattended' if the driver leaves the vehicle so the driver is over 3 metres from the closest point of the vehicle.

5.7 Stopping at or near a bus stop

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is within 20 metres of the approach side of a bus stop, or within 10m of the departure side of a bus stop, unless:

- (a) the vehicle is a public bus stopped to take up or set down passengers; or
 - (b) the driver stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.
- (2) In this clause:
- (a) distances are measured in the direction in which the driver is driving; and
 - (b) a trailer attached to a public bus is deemed to be a part of the public bus.

5.8 Stopping on a path, median strip, or traffic island

The driver of a vehicle (other than a bicycle or an animal) shall not stop so that any portion of the vehicle is on a path, traffic island or median strip, unless the driver stops in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

5.9 Stopping on verge

- (1) A person shall not:
- (a) stop a vehicle (other than a bicycle);
 - (b) stop a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or
 - (c) stop a vehicle during any period when the stopping of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,
- so that any portion of it is on a verge.
- (2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to stop the vehicle so that any portion of it is on the verge.
- (3) Subclause (1)(b) does not apply to a commercial vehicle when it is being loaded or unloaded with reasonable expedition with goods, merchandise or materials collected from or delivered to the premises

adjacent to the portion of the verge on which the commercial vehicle is parked, provided no obstruction is caused to the passage of any vehicle or person using a carriageway or a path.

5.10 Obstructing access to and from a path, driveway, etc.

- (1) A driver shall not stop a vehicle so that any portion of the vehicle is in front of a path, in a position that obstructs access by vehicles or pedestrians to or from that path, unless:
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under these Local Laws.
- (2) A driver shall not stop a vehicle on or across a driveway or other way of access for vehicles travelling to or from adjacent land, unless:
 - (a) the driver is dropping off, or picking up, passengers; or
 - (b) the driver stops in a parking stall and the driver is permitted to stop in the parking stall under these Local Laws.

5.11 Stopping near a letter box

A driver shall not stop a vehicle so that any portion of the vehicle is within 3 metres of a public letter box, unless the driver:

- (a) is dropping off, or picking up, passengers or mail; or
- (b) stops at a place on a length of carriageway, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under these Local Laws.

5.12 Stopping on a carriageway – heavy and long vehicles

- (1) A person shall not park a vehicle or any combination of vehicles, that, together with any projection on, or load carried by, the vehicle or combination of

vehicles, is 7.5 metres or more in length or exceeds a GVM of 4.5 tonnes:

- (a) on a carriageway in a built-up area, for any period exceeding one hour, unless engaged in the picking up or setting down of goods; or
 - (b) on a carriageway outside a built-up area, except on the shoulder of the carriageway, or in a truck bay or other area set aside for the parking of goods vehicles.
- (2) Nothing in this clause mitigates the limitations or condition imposed by any other clause or by any local law or traffic sign relating to the parking or stopping of vehicles.

5.13 Stopping on a carriageway with a bicycle parking sign

The driver of a vehicle (other than a bicycle) shall not stop on a length of carriageway to which a 'bicycle parking' sign applies, unless the driver is dropping off, or picking up, passengers.

5.14 Stopping on a carriageway with motor cycle parking sign

The driver of a vehicle shall not stop on a length of carriageway, or in an area, to which a 'motor cycle parking' sign applies, or an area marked 'M/C' unless:

- (a) the vehicle is a motor cycle; or
- (b) the driver is dropping off, or picking up, passengers.

5.15 Stopping in a parking stall for people with disabilities

- (1) A driver shall not stop in a parking area for people with disabilities unless:
- (a) the driver's vehicle displays an ACROD sticker; and
 - (b) either the driver or the passenger in that vehicle is a person with disabilities.
- (2) In this clause a 'parking area for people with disabilities' is a length or area:
- (a) to which a 'permissive parking' sign displaying a people with disabilities symbol applies;

- (b) to which a 'people with disabilities parking' sign applies;
- (c) indicated by a road marking (a 'people with disabilities road marking') that consists of, or includes, a people with disabilities symbol; or
- (d) set aside within a parking region as a 'parking stall for use of a disabled person' under the *Local Government (Parking for Disabled Persons) Regulations 1988.*"

5.25 Renumber Part 4 to Part 6 and the corresponding clauses accordingly;

5.26 Renumber Part 5 to Part 7 and the corresponding clauses accordingly;

5.27 Delete the Second Schedule and insert a new second schedule as follows,

“SECOND SCHEDULE

PRESCRIBED OFFENCES

Parking And Parking Facilities Local Law

ITEM NO.	CLAUSE NO.	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.2	Failure to park wholly within parking stall	40
2	2.2(4)	Failure to park within parking stall in the direction of the movement of traffic	40
3	2.4(1)(a)	Causing obstruction in parking station	50
4	2.4(1)(b)	Parking contrary to sign in parking station	50
5	2.4(1)(c)	Parking contrary to directions of Authorized Person	50
6	2.4(1)(d)	Parking or attempting to park a vehicle in a parking stall occupied by another vehicle	40
7	3.2(1)(a)	Parking wrong class of vehicle	40

8	3.2(1)(b)	Parking by persons of a different class	45
9	3.2(1)(c)	Parking during prohibited period	45
10	3.2(2)(a)	Parking in no parking area	50
11	3.2(2)(b)	Parking contrary to signs or limitations	40
12	3.2(2)(c)	Parking vehicle in motor cycle only area	40
13	3.2(3)	Parking motor cycle in stall not marked 'M/C'	40
14	3.2(4)	Parking without permission in an area designated for 'Authorised Vehicles Only'	45
15	3.3(a)	Failure to park on the left of two-way carriageway	40
16	3.3(b)	Failure to park on boundary of one-way carriageway	40
17	3.3(a) or 3.3(b)	Parking against the flow of traffic	45
18	3.3(c)	Parking when distance from farther boundary less than 3 metres	45
19	3.3(d)	Parking closer than 1.2 metre from another vehicle	40
20	3.3(e)	Causing obstruction	50
21	3.5(b)	Failure to park at approximate right angle	40
22	3.6(2)	Failure to park at an appropriate angle	40
23	3.7(2)(a) and 5.2	Double parking	45
24	3.7(2)(b)	Parking on or adjacent to a median strip	40
25	3.7(2)(c)	Denying access to private drive or right of way	45

26	3.7(2)(d)	Parking beside excavation or obstruction so as to obstruct traffic	50
27	3.7(2)(e)	Parking within 10 metres of traffic island	45
28	3.7(2)(f)	Parking on footpath/pedestrian crossing	50
29	3.7(2)(h)	Parking contrary to continuous line markings	45
30	3.7(2)(i)	Parking on intersection	45
31	3.7(2)(j)	Parking within 1 metre of fire hydrant or fire plug	50
32	3.7(2)(k)	Parking within 3 metres of public letter box	45
33	3.7(2)(l)	Parking within 10 metres of intersection	45
34	3.7(3)(a) or (b)	Parking vehicle within 10 metres of departure side of bus stop, children's crossing or pedestrian crossing	50
35	3.7(4)(a) or (b)	Parking vehicle within 20 metres of approach side of bus stop, children's crossing or pedestrian crossing	50
36	3.7(4)(c)	Parking vehicle within 20 metres of approach side or departure side of railway level crossing	50
37	3.11	Parking contrary to direction of Authorized Person	50
38	3.12(2)	Removing mark of Authorized Person	55
39	3.13	Moving vehicle to avoid time limitation	40
40	3.14(a)	Parking in thoroughfare for purpose of sale	40
41	3.14(b)	Parking unlicensed vehicle in thoroughfare	40
42	3.14(c)	Parking a trailer/caravan on a thoroughfare	40
43	3.14(d)	Parking in thoroughfare for purpose of repairs	40

44	3.15(2)	Parking on land that is not a parking facility without consent	55
45	3.15(3)	Parking on land not in accordance with consent	40
46	3.16	Driving or parking on reserve	40
47	3.18(1)	Stopping contrary to a 'no stopping' sign	40
48	3.18(2)	Parking contrary to a 'no parking' sign	40
49	3.18(3)	Stopping within continuous yellow lines	40
50	4.1	Stopping unlawfully in a loading zone	40
51	4.2	Stopping unlawfully in a taxi zone or bus zone	40
52	4.3	Stopping unlawfully in a mail zone	40
53	4.4	Stopping in a zone contrary to a sign	40
54	5.1	Stopping in a shared zone	40
55	5.3	Stopping near an obstruction	45
56	5.5	Stopping on crests/curves etc	55
57	5.6	Stopping near fire hydrant	55
58	5.7	Stopping near bus stop	45
59	5.8	Stopping on path, median strip or traffic island	40
60	5.9	Stopping on verge	40
61	5.10	Obstructing path, a driveway etc	40
62	5.11	Stopping near letter box	40
63	5.12	Stopping heavy or long vehicles on carriageway	45

64	5.13	Stopping in bicycle parking area	40
65	5.14	Stopping in motorcycle parking area	40
66	5.15	Stopping in disabled parking area	120
67	6.6	Leaving vehicle so as to obstruct a public place	50

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5.28 Amend the “Arrangement” in accordance with the amendments to the Local Law.

6. *Management And Control Of Dalwallinu Cemetery 1999 local law* amended

The local law relating to the *Management And Control Of Dalwallinu Cemetery 1999* as published in the *Government Gazette* of 31 March 2000 is amended as follows—

6.1 In Clause 3.2 before the word death delete “or” and insert “of”;

6.2 In Clause 3.2 delete “3.4” and insert “3.3”;

6.3 Delete the Fourth Schedule in its entirety.

7. *The Shire of Dalwallinu Local Law Relating to Fencing* as published in the *Government Gazette* of 17 January 2000 is amended as follows—

7.1 In clause 3(1) in the definition of “height” in sub-clause (b) delete the word “ear” and insert “each”;

7.2 In clause 4(4) after the word “boundary” insert the word “between”;

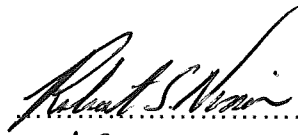
7.3 In clause 4(5) after the word “be” insert the word “a”;

7.4 In clause 13(2)(b) delete “AS/NZA3016:1994” and insert “AS/NZS3016:2002”;

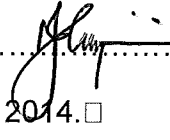
7.5 In clause 13(2)(c) delete the word “house” and insert “hours”;

7.6 In Form 1 delete “AS/NZS3016:1994” wherever it appears and insert “AS/NZS3016:2002”.

The Common Seal of the Shire of Dalwallinu was affixed in the presence of—



.....R.S. Nixon, Shire President.



.....P.J. Crispin, Chief Executive Officer.

Dated 9/12/ 2014. □
