



City of
DAREBIN

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GOVERNANCE LOCAL LAW 2017 (Local Law No. 1 of 2017)

(Adopted by Council and
effective on **XX XX 2017**)

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This Local Law was adopted by resolution of Darebin City Council on xxxxxx 2017 and is effective from that date.

Version	Date Adopted by Council	Amendment
1.0	xxxxxxx 2017	Initial version

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PART 1 – INTRODUCTION

1. Local Law

This is the Darebin City Council Governance Local Law 2017 (Local Law No. 1 of 2017) and is made under section 111 of the *Local Government Act 1989*.

2. Objectives of this Local Law

The objectives of this Local Law are to:

- (1) regulate proceedings at Council meetings, Committee meetings and other meetings conducted by or on behalf of Council where Council has resolved that the provisions of the Local Law are to apply;
- (2) regulate proceedings for the election of the Mayor, Deputy Mayor (if any) and Chairpersons of various Committees;
- (3) regulate the use of the common seal;
- (4) prohibit unauthorised use of the common seal or any device resembling the common seal;
- (5) make provision for related administrative procedures; and
- (6) provide for the peace, order and good government of the municipal district.

3. Commencement Date

This Local Law comes into operation on the date it is gazetted in the Victoria Government Gazette.

4. Revocation of Local Law No. 1 of 2013

On the commencement of this Local Law, Darebin City Council Governance Local Law 2013 (Local Law No. 1 of 2013) is revoked.

5. Definitions

In this Local Law -

- (a) “**Act**” means the *Local Government Act 1989*;
- (b) “**Advisory Committee**” means a committee established by Council under section 86(1) of the Act for the purpose of advising Council on matters within its terms of reference;
- (c) “**agenda**” means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting;
- (d) “**Authorised Officer**” means a member of Council staff who is authorised by Council under section 224 of the Act;
- (e) “**Chairperson**” means the person who chairs a meeting;
- (f) “**Chief Executive Officer**” means the person who is the Chief Executive Officer of Council or any person acting in that position;
- (g) “**Committee**” means an Advisory Committee and a Special Committee;
- (h) “**common seal**” means the common seal of the Council;
- (i) “**Committee meeting**” means a meeting of a Special Committee or an Advisory Committee;
- (j) “**Council**” means the Darebin City Council;

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- (k) “**Councillor**” means a Councillor of Council;
 - (l) “**Majority of the votes**” means the votes cast by a majority of the Councillors or the members of the Committee present at a meeting at the time the vote is taken.
 - (m) “**Mayor**” means the Mayor of Council;
 - (n) “**meeting**” includes an Ordinary meeting, a Special meeting, and a Committee meeting;
 - (o) “**Member**” means a member of a Committee established by Council under the Act;
 - (p) “**minutes**” means the record of proceedings of a meeting;
 - (q) “**Municipality**” means the municipal district of Council;
 - (r) “**notice of motion**” means a notice setting out the text of a motion which a Councillor proposes to move at a meeting;
 - (s) “**offence**” means an act or default contradictory to this Local Law
 - (t) “**officer**” means a member of Council staff;
 - (u) “**Ordinary meeting**” means an Ordinary meeting of Council;
 - (v) “**penalty units**” means penalty units as prescribed under the *Sentencing Act* 1991;
 - (w) “**quorum**” means presence by a majority of Councillors at an Ordinary or Special meeting;
 - (x) “**Special Committee**” means a Special Committee established by Council pursuant to, and in accordance with, section 86 of the Act; and
 - (y) “**Special meeting**” means a special meeting of Council convened and held in accordance with section 84, 84A or 85 of the Act.

6. Application of the Local Law

This Local Law applies at all times throughout the Municipality.

PART 3 – ELECTION OF MAYOR, DEPUTY MAYOR AND COMMITTEE CHAIRPERSONS

Introduction: The purpose of this Part is to regulate proceedings for the election of Mayor, Deputy Mayor (if any) and Committee Chairpersons.

8. Procedures for Election of Mayor

- (1) Subject to sub-clause (2), a meeting to elect the Mayor must be held:
 - (a) in a year in which a general election of Councillors is held, as soon as practicable after the declaration of the results of that general election;
 - (b) in years in which there is no general election of Councillors, as soon as practicable after the first Saturday in November in each such year; and
 - (c) in any other case, as soon as practicable after the office of Mayor becomes vacant.
- (2) If Council resolves, in accordance with section 71(2) of the Act, to elect a Mayor for a term of 2 years, a meeting to elect the Mayor in years in which there is no general election of Councillors must be held as soon as practicable after the expiry of 2 years from the date on which the Mayor was elected.
- (3) The Election of Mayor is to be in accordance with the following procedure:
 - (a) the election will be conducted by the Chief Executive Officer in accordance with the provisions of the Act;
 - (b) the Chief Executive Officer must invite nominations for the office of Mayor. If there is only one nomination the candidate nominated is deemed to be elected;
 - (c) if there is more than one nomination, a vote must be taken to elect one of the candidates;
 - (d) voting must be carried out by a show of hands;
 - (e) if one candidate receives a majority of the votes, that candidate is declared to have been elected;
 - (f) if no candidate receives a majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates. This process shall continue until one of the candidates has received a majority of votes. That candidate is then declared to have been elected;
 - (g) in the event of two or more candidates having an equality of votes and one of them having to be declared a defeated candidate, the Chief Executive Officer must determine the result by lot;
 - (h) the following provisions apply to the conduct of the lot by the Chief Executive Officer:
 - i. each candidate will draw one lot;
 - ii. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
 - iii. as many identical pieces of paper as there are Councillors who receive an equal number of votes must be placed in a receptacle. The word "Defeated" shall be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it must be declared the defeated candidate (in which event a further vote must be taken on the remaining

candidates and the above process repeated if necessary, unless there is only one candidate remaining, in which case that candidate will be declared duly elected); and

- (i) the Chief Executive Officer will declare the result of the election and the successful candidate.

9. Procedures for Election of Deputy Mayor

- (1) At a meeting to elect the Mayor, Council may determine to elect a Deputy Mayor.
- (2) The procedure used for the election of Mayor will be used to elect the Deputy Mayor provided that a reference to the Mayor is a reference to the Deputy Mayor.
- (3) The Chief Executive Officer or his or her delegate or nominee will conduct the election of Deputy Mayor.

10. Procedures for Election of Committee Chairperson

- (1) The procedure used for the election of Mayor will be used to elect each Committee Chairperson, provided that a reference to the Mayor is a reference to the Committee Chairperson.
- (2) The Chief Executive Officer or his or her delegate or nominee will conduct the election of the Committee Chairperson.

PART 4 – COUNCILLOR BRIEFINGS

Introduction: This Part describes the nature and procedure for some informal meetings of Councillors.

At the commencement of this Local Law, Councillors meet twice a month at “Councillor Briefings”. These are “Assemblies of Councillors” within the meaning of the Act.

This part provides for these informal meetings, and explains why and how they are held.

11. Councillor Briefing Arrangements

- (1) As part of Council's governance arrangements, Councillors may meet regularly at an informal gathering of Councillors known as a “Councillor Briefing” or such other name as Council from time to time adopts.
- (2) The purpose of such briefings is for the organisation to provide advice or information on upcoming reports to Council, items of a complex nature or matters of significant community impact. The briefing enables open discussion between officers and Councillors and assists both officers and Councillors to develop a better understanding of the matter for consideration.
- (3) The briefings are not formal decision-making forums.
- (4) The Chief Executive Officer sets the agenda for all briefings, in consultation with the Mayor.
- (5) The briefings are not open to the public and will generally be held at the Darebin Council, 350 High Street, Preston, or in such other location as Council or the Chief Executive Officer nominates from time to time.
- (6) The Mayor or, in his or her absence, the Deputy Mayor, will chair the briefings.

PART 5 – COUNCIL MEETING PROCEDURES

Introduction: This Part refers to the regulation of the proceedings of Council meetings. This Part is divided into a number of Divisions, each of which addresses a distinct aspect of the holding of a meeting. Collectively, the Divisions describe how and when a meeting is convened and how and when business may be transacted.

The Mayor or, in his or her absence, the Deputy Mayor, will chair Council meetings.

DIVISION 1 – NOTICES OF MEETINGS AND DELIVERY OF AGENDAS

12. Notice of Meetings

- (1) An agenda, incorporating the business to be dealt with, will be delivered electronically to every Councillor for all Ordinary meetings at least one week before the meeting.
- (2) The Chief Executive Officer is responsible for preparation and delivery of the agenda, including the determination of the order of business.
- (3) Once the meeting agenda has been circulated no further changes will be made to the agenda, unless it is done in the Council Chamber.
- (4) An agenda of the business to be dealt with will be delivered electronically to every Councillor for any Special meeting within a reasonable time of the Special meeting being called.
- (5) Confidential agendas and or confidential information will be provided to Councillors in line with the Confidentiality Policy: Handling of Confidential Information by Councillors as adopted by Council from time to time.

13. Presence of Councillors

Councillors must be physically present in the Council Chamber in order to participate in the meeting and to vote.

DIVISION 2 – QUORUMS

14. Failure to raise a Quorum

- (1) If a quorum is not present within 30 minutes of the time appointed for the commencement of a meeting, the meeting will be adjourned to another date and time not more than 14 days from the original date of the meeting by:
 - (a) a majority of the Councillors present; or
 - (b) the Chief Executive Officer, if no Councillor is present.
- (2) Unless the meeting is adjourned to a later time on the same day, the Chief Executive Officer must give all Councillors notice of the adjourned meeting in accordance with clause 11 of this Local Law.
- (3) The requirement in sub-clause (2) does not apply in respect of any Councillor who has been granted leave of absence pursuant to section 66B of the Act and who has not requested the Chief Executive Officer, in writing, to continue to give notice of meetings to be held during the period of leave of absence.

15. Failure to maintain a Quorum

- (1) If a quorum is lost after a meeting has commenced, the Chairperson must adjourn the meeting for a period not exceeding 30 minutes, at which time, if a quorum is:
 - (a) present, the meeting resumes; or
 - (b) not present and, after using his or her best endeavours to regain a quorum, the Chairperson cannot do so, the Chairperson must announce that the meeting has lapsed.
- (2) If a meeting lapses under sub-clause (1)(b), the undisposed business must, unless it has already been disposed of at a subsequent Special meeting, be included in the agenda for the next Ordinary meeting.
- (3) Despite the loss of a quorum in the circumstances set out in sub-clause (1), the business transacted at the meeting to that point shall remain valid and be capable of being acted upon.

16. Adjourned Meetings

- (1) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which a meeting stands adjourned and of the business remaining to be considered.
- (2) If it is impracticable for the notice to be given in writing, the Chief Executive Officer must give notice to each Councillor by telephone or in person.
- (3) Notice must also be provided to the public of the resumption of the adjourned meeting by public notice (if time reasonably permits), including by uploading it to Council's website.

17. Time Limits for Meetings

- (1) A meeting must not continue for more than four (4) hours from the meeting start time unless a majority of Councillors present vote in favour of its continuance.
- (2) A continuance of a meeting will be in block periods of 30 minutes.
- (3) After the initial 30 minute extension the meeting must not continue unless a majority of Councillors present vote in favour of its continuance.
- (4) In the absence of such continuance, the meeting must stand adjourned and any undisposed business must, unless it has been disposed of at a subsequent Special Meeting, be included in the agenda for the next Ordinary meeting.
- (5) Business transacted at the meeting to that point shall remain valid and be capable of being acted upon.
- (6) The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining to be considered.

DIVISION 3 – BUSINESS OF MEETINGS

18. Change to Order of Business

Once an agenda has been sent to Councillors, the order of business for that meeting can only be altered by resolution of Council.

19. Conflicts of Interest

A Councillor must provide a full disclosure of any conflict of interest in accordance with section 79 of the Act.

20. Business at Meetings

No business can be dealt with at an Ordinary meeting unless:

- (a) it is contained on the agenda; or
- (b) it is admitted as Urgent Business in accordance with clause 22.

21. Urgent Business

- (1) If the agenda for an Ordinary meeting makes provision for urgent business, business cannot be admitted as urgent business other than by resolution of Council.
- (2) Council must only admit business as urgent business if it:
 - (a) cannot safely or conveniently be deferred until the next Ordinary meeting; or
 - (b) involves a matter of urgency as determined by the Chief Executive Officer.

DIVISION 4 – MOTIONS AND DEBATE

22. Councillors May Propose Notices of Motion

Councillors may include an issue to be listed on an agenda by lodging a notice of motion.

23. Notices of Motion

- (1) A Councillor can submit to the Chief Executive Officer a notice of motion for consideration at a meeting.
- (2) A notice of motion must be in writing, signed by the Councillor, and be lodged with the Chief Executive Officer no later than 2pm thirteen (13) days prior to the meeting at which it is intended to be considered to ensure its inclusion in the agenda.
- (3) The full text of any notice of motion accepted by the Chief Executive Officer must, subject to clause 25, be included in the agenda.
- (4) A Councillor may request, in writing, an extension of time to lodge a notice of motion with the Chief Executive Officer. The Chief Executive Officer must determine a request and advise the Councillor of that determination within a reasonable time of receiving it and, in any event, before the meeting at which the relevant notice of motion is intended to be considered.
- (5) The Chief Executive Officer must cause all notices of motion to be sequentially numbered, dated and entered in a register.
- (6) Each notice of motion must be considered in the order in which it is entered in the notice of motion register.
- (7) If a Councillor who has lodged a notice of motion is absent from the meeting at which the notice of motion is to be considered, or fails to move the motion when called upon to do so by the Chairperson, any other Councillor may move the motion.
- (8) If a notice of motion is not moved at the meeting at which it is listed, it lapses.
- (9) If a notice of motion is moved at the meeting at which it is listed but not seconded, it lapses.

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- (10) Except where the notice of motion is to confirm a previous resolution of Council, the notice of motion may be amended.
 - (11) If a Councillor who has lodged or is moving a notice of motion wishes to amend it, he or she may do so by seeking leave of Council to amend the notice of motion prior to it being seconded.
 - (12) Once a notice of motion has been moved and seconded, the mover cannot amend it.
 - (13) Notwithstanding sub-clause (12), another Councillor may move an amendment to the notice of motion, which must be dealt with in accordance with clause 29 of this Local Law.
 - (14) Any amendment made to the notice of motion must not be directly opposite to the notice of motion.
 - (15) No member of the public gallery may speak to a notice of motion when presented at a meeting.

24. Rejection of Notice of Motion

- (1) The Chief Executive Officer may reject a notice of motion if he or she is of the opinion that it is:
 - (a) defamatory;
 - (b) vague or unclear in intention; or
 - (c) outside the powers of Council
- (2) If the Chief Executive Officer rejects a notice of motion under sub-clause (1), he or she will inform the Councillor who lodged it of that rejection and the reasons for it. The Councillor will be provided 24 hours to lodge a revised notice of motion.

25. Chairperson's Duty

Any motion which is determined by the Chairperson to be:

- (a) defamatory;
 - (b) vague or unclear in intention;
 - (c) outside the powers of Council;
 - (d) irrelevant to the item being considered; or
 - (e) purports to be an amendment but is not,
- must not be accepted by the Chairperson.

26. Moving a Motion

- (1) The procedure for moving any motion is:
 - (a) the mover must state the motion without speaking to it;
 - (b) the motion must be seconded and the seconder must be a Councillor other than the mover. If a motion is not seconded, the motion lapses for want of a seconder;
 - (c) if a motion is moved and seconded the Chairperson must ask: "Is the motion opposed? Does any Councillor wish to speak to the motion?";
 - (d) if no Councillor indicates opposition or a desire to speak to the matter, the Chairperson may declare the motion carried without discussion;
 - (e) if a Councillor indicates opposition or a desire to speak to the matter, then the Chairperson must invite the mover to address the meeting;

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- (f) after the mover has addressed the meeting, the seconder may address the meeting;
 - (g) after the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting), the Chairperson must invite debate by calling on any Councillor who wishes to speak to the motion, providing an opportunity to alternate between those wishing to speak against the motion and those wishing to speak for the motion; and
 - (h) if, after the mover has addressed the meeting, the Chairperson has invited debate and no Councillor speaks to the motion, then the Chairperson must put the motion to the vote.
- (2) No discussion on the item being considered may take place until such time as a motion has been moved.
 - (3) The Chairperson is unable to move or second a motion, and may only speak to a motion when all Councillors who wish to speak to it have done so, and just before closure of debate by the mover of the motion.
 - (4) If the Chairperson wishes to move or second a motion, then the Mayor or Deputy Mayor must take the chair or, if there is no Mayor or Deputy Mayor, the meeting must elect a temporary Chairperson whereupon the Chairperson must vacate the chair and not return to it until the motion has been resolved upon.
 - (5) Except for the mover of a motion who has a right of reply in accordance with clause 28 of this Local Law, all other Councillors can only speak once to the motion before the Chairperson.
 - (6) A motion must be put to the vote when the Chairperson believes that the issues have been reasonably canvassed in the debate.
 - (7) A Councillor may request at any time before a vote is taken on a motion which is in two or more parts, that each part be put to the vote separately. The Chairperson may grant or refuse such a request.
 - (8) Despite any other provisions of this Local Law, before putting a motion to the vote, the Chairperson may require the Chief Executive Officer to read out the text of the motion.

27. Right of Reply

- (1) Subject to sub-clause (2), the mover of a motion has a right of reply to matters raised during the debate on his or her motion immediately before the vote is taken.
- (2) The mover of a motion loses his or her right of reply if an amendment to the motion is carried.
- (3) The mover of an amendment to a motion does not have a right of reply.
- (4) A Councillor exercising a right of reply must not introduce any new matter.
- (5) After the right of reply has been taken, but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion, the motion must immediately be put to the vote without any further discussion or debate.

28. Moving An Amendment

- (1) Subject to sub-clause (3) a motion which has been moved and seconded may be amended by removing or adding words. Any added words must be relevant to the subject of the motion.
- (2) If the mover and seconder of the original motion accept the proposed amendment(s), the amended motion may proceed to be voted on as the substantive motion in accordance with clause 27.
- (3) A motion to confirm a previous resolution of Council cannot be amended.

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- (4) An amendment must not be directly opposite to the motion.
 - (5) The mover of an amendment does not have any right of reply.

29. Who May Propose and Debate An Amendment

- (1) An amendment may be proposed or seconded by any Councillor, except the mover or seconder of the original motion.
- (2) If an amendment is not accepted by the mover of the original motion, it will be treated as a separate motion and must be moved and seconded by a Councillor other than the mover or seconder of the original motion.
- (3) Any one Councillor cannot, without the leave of the Chairperson, move more than two amendments in succession.
- (4) Any Councillor can debate an amendment irrespective of whether the Councillor has spoken, or proposes to speak, to the original motion.
- (5) Debate on an amendment must be restricted to the terms of the amendment.

30. How Many Amendments May Be Proposed

- (1) Any number of amendments may be proposed to a motion but only one amendment may be accepted by the Chairperson at any one time.
- (2) No second or subsequent amendment, whether to the motion or an amendment of it, may be taken into consideration until the previous amendment has been dealt with.

31. An Amendment Once Carried

- (1) If an amendment is carried, the motion as amended then becomes the substantive motion before the meeting. The substantive motion must then be put to the vote.
- (2) Neither the mover of the original motion, nor the mover of the amendment, has a right of reply to that amended motion.

32. Foreshadowing Motions

- (1) At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- (2) A motion foreshadowed may be prefaced with a statement that, in the event of a particular motion before the Chairperson being resolved in a certain way, a Councillor intends to move an alternative or additional motion.
- (3) The Chief Executive Officer or person taking the minutes of the meeting is not required to record foreshadowed motions in the minutes until the foreshadowed motion is formally moved.
- (4) A foreshadowed motion has no procedural standing and is merely a means of assisting the flow of a meeting.
- (5) A Councillor foreshadowing a motion under this clause is not deemed to be speaking to the motion or amendment before the meeting.

33. Withdrawal Of Motions

- (1) Before any motion is put to the vote, the mover or seconder, with leave of Council, may withdraw from moving or seconding the motion, in which case, the Chairperson must call for a substitute mover or seconder (as the case may be) and, if no such substitute is forthcoming, the motion will lapse.

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- (2) If a majority of Councillors objects to the withdrawal of the mover or seconder, they cannot withdraw.

34. Addressing the Meeting

- (1) A Councillor or any other person who addresses a meeting must do so in a courteous manner.
- (2) If the Chairperson so determines:
- (a) any person addressing the Chairperson must refer to the Chairperson as:
 - i. Mayor _____ (name); or
 - ii. Chairperson;as the case may be;
 - (b) all Councillors, other than the Mayor, must be addressed as Cr. _____ (name).
 - (c) all members of Council staff, must be addressed as Mr or Ms _____ (name) as appropriate, or by their official title.
- (3) Except for the Chairperson, any Councillor who addresses an Ordinary meeting or Special meeting must stand and direct all remarks through the Chairperson.
- (4) It will not be necessary for Councillors to rise when speaking to the Chairperson at a Committee meeting or in an Ordinary meeting or Special meeting that is closed to the public (Confidential Business) in accordance with section 89(2) of the Act.
- (5) Despite sub-clause (3), the Chairperson may permit any Councillor or person to remain seated while addressing the Chairperson at an Ordinary meeting or Special meeting for reasons of sickness, infirmity, disability or otherwise at his or her discretion.

35. Right to Ask Questions

- (1) A Councillor may, when no other Councillor is speaking, ask any question concerning or arising out of a motion or amendment before the Chairperson for the purposes of clarification.
- (2) The Chairperson has the right to limit questions and direct that debate be commenced or resumed.
- (3) A Councillor asking a question under sub-clause (1) is not deemed to be speaking to the motion or amendment before the meeting.

36. Second Vote

When a vote is tied, the Chairperson has a second vote.

37. Revocation and Amendment of Resolutions

- (1) Motions to revoke or amend a previous resolution can only be made in the following ways:
- (a) notice of motion; or
 - (b) report by an officer included in the agenda.
- (2) Any notice of motion that proposes the revocation or amendment of a previous resolution of Council must be included on the agenda for the meeting at which it is to be considered and cannot be proposed as an item of urgent business.

38. Time Limits for Debate

- (1) A Councillor must not speak on any one motion before a meeting for a time longer than that stated below unless granted an extension by the Chairperson:
 - (a) the mover of a motion or an amendment: 3 minutes
 - (b) any other speaker: 2 minutes
 - (c) the mover of a motion exercising a right of reply: 2 minutes
- (2) A Councillor must not speak on an amendment before a meeting for a time longer than stated below unless granted an extension by the Chairperson:
 - (a) the mover of a motion or an amendment: 3 minutes
 - (b) any other speaker: 2 minutes
 - (c) the mover of a motion exercising a right of reply: 2 minutes

39. Miscellaneous Rules of Debate

- (1) A Councillor must not, in any debate, make any defamatory, indecent, abusive, offensive or disorderly statement or comment about any Councillor, member of staff or other person.
- (2) If a statement or comment described in sub-clause (1) is made, the Chairperson may require the Councillor to withdraw it and, if that is required, the Councillor concerned must immediately and unreservedly do so.
- (3) In cases where there is competition for the right to speak at a meeting the Chairperson must decide the order in which Councillors may speak.
- (4) If a debate is adjourned by motion, then the Councillor who moved the adjournment has the right to speak first when the debate is resumed.
- (5) A Councillor must not be interrupted except by the Chairperson or upon a point of order being taken.

40. Recording of Opposition to a Vote

At any meeting a Councillor may, immediately after the Chairperson has put any motion, amendment or other question to the vote and announced the result of that vote, ask that his or her name be recorded in the minutes as having voted in the negative.

41. Chairperson's Ruling

- (1) Where this Local Law does not provide for a procedure for a meeting, the Chairperson shall decide the procedure to be followed.
- (2) When the Chairperson makes a ruling during a meeting, a Councillor may move a motion to the effect that the meeting dissent from the Chairperson's ruling, in accordance with cl 53.

42. Minutes

- (1) The Chief Executive Officer shall cause minutes of the meeting to be kept in accordance with section 93 of the Act.
- (2) When confirming the minutes of a meeting, opposition can only be expressed on the basis that the record contained in the minutes is incomplete or inaccurate.

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- (3) The Chairperson must not allow discussion or motions on any issue other than the alleged omission from, or inaccuracy of, the minutes.
 - (4) If no Councillor indicates opposition, the Chairperson must, after seeking a mover and seconder, declare the minutes to be confirmed.
 - (5) If any Councillor indicates opposition, he or she must specify the particular item or items in the minutes concerned and can, after asking any questions to clarify the matter, only move a motion to rectify the alleged error(s) in the record.
 - (6) A copy of the minutes shall be sent electronically to every Councillor no later than 48 hours before the Ordinary meeting at which the minutes are to be confirmed.
 - (7) Once the minutes are confirmed they must be signed by the Chairperson of the meeting at which they were confirmed.

43. Webcasting and Recording of Proceedings

- (1) The Chief Executive Officer (or his or her delegate or nominee) may, for the purposes of minute taking, record on suitable audio recording equipment all proceedings of a meeting.
- (2) The Chief Executive Officer (or such other person authorised by the Chief Executive Officer for that purpose) will conduct a live webcast of the proceedings of a meeting.
- (3) A recording of a meeting that is webcast will be made available to the public for viewing or listening for a period of three (3) months from the date of the meeting.
- (4) A person in the gallery must not operate film, photographic, tape or other equipment to reproduce sound and/or images at any meeting without first obtaining the consent of the Chairperson. In deciding whether or not to give such consent, the Chairperson is to ask whether any person present at the meeting objects.

Penalty: 5 penalty units

- (5) Consent given under sub-clause (4) may be revoked at any time during the course of a meeting by the Chairperson stating that consent has been revoked and ordering that the recording cease, at which time the recording must cease.

Penalty: 5 penalty units

- (6) This clause does not apply to any part of a meeting that is closed to the public in accordance with section 89(2) of the Act.

44. Conduct at Meetings

- (1) Visitors at a meeting must not interject or take part in the debate.
- (2) Silence must be preserved by the gallery (other than by a person in the gallery who is invited to address the meeting) at all times during a meeting.
- (3) If any visitor engages in conduct that is, in the opinion of the Chairperson, improper or disorderly, the Chairperson may direct that the visitor cease that conduct and the visitor must comply with that direction.

Penalty: 2 penalty units

45. Suspension of Standing Orders

- (1) Any provision of this Local Law, except that relating to a quorum, may by resolution be suspended for any part of a meeting.
- (2) No motion, except one which proposes the resumption of standing orders, may be accepted by the Chairperson during such suspension.

DIVISION 5 – PROCEDURAL MOTIONS

46. Procedural Motions

- (1) Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chairperson.
- (2) Procedural motions require a seconder.
- (3) Notwithstanding any other provision in this Local Law, procedural motions must be dealt with in accordance with the procedures set out in Schedule 2 to this Local Law.

DIVISION 6 – POINTS OF ORDER

47. Valid Points of Order

A point of order may be raised in relation to anything which:

- (a) is contrary to this Local Law;
- (b) is irrelevant to the matter under consideration;
- (c) is outside the powers of Council;
- (d) constitutes improper behaviour;
- (e) is offensive;
- (f) constitutes a tedious repetition of something already said; or
- (g) is an act of disorder.

Rising to express a difference of opinion or contradict a speaker is not a point of order.

48. Procedure for Point of Order

- (1) A Councillor raising a point of order must:
 - (a) state the point of order; and
 - (b) state any section, clause, paragraph or provision relevant to the point of order before resuming his or her seat.
- (2) A Councillor raising a point of order under this clause is not deemed to be speaking to the motion or amendment before the meeting.

49. Chairperson to Decide

The Chairperson must decide all points of order by stating the provision, rule, practice or precedent which he or she considers applicable to the point raised without entering into any discussion or comment.

50. Chairperson May Adjourn to Consider

- (1) The Chairperson may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- (2) All other questions before Council are suspended until the point of order is decided.

51. Effect of Ruling

If the Chairperson:

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- (a) rules in favour of the point of order, the speaker may continue and no Councillor must do or say anything which would cause another like point of order to be raised; or
 - (b) rules against the point of order the speaker may continue.

52. Dissent From Chairperson's Ruling

- (1) A Councillor may move that the meeting dissent from the Chairperson's ruling on a point of order under clause 50 or on a matter of procedure under clause 42, by moving:

“That the Chairperson's ruling [setting out that ruling or part of that ruling] be dissented from”.
- (2) When a motion under sub-clause (1) is moved and seconded:
 - (a) the Chairperson must leave the chair and the Deputy Mayor must chair the meeting; or,
 - (b) if there is no Deputy Mayor, the Chairperson must leave the chair after the meeting has elected a temporary Chairperson.
- (3) The Deputy Mayor or the temporary Chairperson must invite the mover to state the reasons for his or her dissent and the Chairperson may then reply.
- (4) The Deputy Mayor or the temporary Chairperson must put the motion in the following form:

“That the Chairperson's ruling be dissented from.”
- (5) If the vote is in the negative, the Chairperson resumes the chair and the meeting proceeds.
- (6) If the vote is in the affirmative, the Chairperson must then resume the chair, reverse or vary (as the case may be) his or her previous ruling and proceed.
- (7) The defeat of the Chairperson's ruling is in no way a vote of no-confidence in the Chairperson, and should not be so regarded by the meeting.

DIVISION 7 – QUESTION AND SUBMISSION TIME

53. Question Time

- (1) Unless Council resolves differently, there must be question time at every Ordinary meeting to enable members of the public to submit questions to Council.
- (2) Sub-clause (1) does not apply during:
 - (a) any period when a meeting is closed to the public in accordance with section 89(2) of the Act; or
 - (b) during a local government election caretaker period.
- (3) Questions from the public must be submitted by 3pm on the day of the meeting in one of the following forms:
 - (a) online at darebin.vic.gov.au/questionsandsubmissions; or
 - (b) by email to Q&S@darebin.vic.gov.au; or
 - (c) in person at the Preston Customer Service Centre, 274 Gower Street, Preston; or
 - (d) by mail to PO Box 91, Preston 3072
- (4) Question time will not exceed 30 minutes in duration, unless Council resolves otherwise.

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- (5) No person may submit more than two questions at any one meeting. A question may be split into a maximum of two parts only. If more than two parts to a question are received, only the first two parts will be considered. Similarly, if more than two questions are received, only the first two questions will be considered. All parts of the question must be relevant to the same subject of enquiry.
 - (6) A question may be disallowed by the Chairperson if the Chairperson determines that it:
 - (a) relates to a matter outside the duties, functions or powers of Council;
 - (b) is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
 - (c) deals with a subject matter already answered;
 - (d) is aimed at embarrassing a Councillor or an officer; or
 - (e) relates to any matter in respect of which Council may close the meeting to the public under section 89(2) of the Act.
 - (7) All questions and answers must be as brief as possible, and no further questions arising out of anything said in response to a question will be allowed.
 - (8) Like questions may be grouped together and a single answer provided.
 - (9) The Chairperson may request the Chief Executive Officer or any Senior Executive officer to respond to a question.
 - (10) The Chairperson, Chief Executive Officer or Senior Executive officer may require a question to be taken on notice. If a question is taken on notice, a written copy of the answer must be sent to the person who asked the question.
 - (11) The name of the questioner, the question and the response must be recorded in the minutes, as an official record of the questions submitted to the meeting.
 - (12) Where a question is taken on notice, the response need not be recorded in the minutes of the meeting at which the question was put, but must be recorded in the minutes of the next Ordinary meeting after the response is provided under sub-clause (11).

54. Submissions and Comments

- (1) Unless Council determines otherwise, the public will be given the opportunity to make a comment or submission up to 2 minutes prior to any matter listed on the Agenda for an Ordinary meeting.
- (2) Sub-clause (1) does not apply during:
 - (a) any period when a meeting is closed to the public in accordance with section 89(2) of the Act; or
 - (b) a local government election caretaker period.
- (3) Any member of the public wishing to make a submission or comment may register online or in person by 3pm on the day of the Council Meeting in one of the following forms:
 - (a) Online at darebin.vic.gov.au/questionsandsubmissions;
 - (b) By email to Q&S@darebin.vic.gov.au;
 - (c) In person at the Preston Customer Service Centre, 274 Gower Street, Preston: or
 - (d) By mail to PO Box 91, Preston 3072.
- (4) Any member of the public may also register their interest in making a submission or comment in person with an officer no less than 15 minutes prior to the commencement of the meeting at Council Chambers.
- (5) Prior to each agenda item and where a person has registered to speak, the Chairperson will call upon each speaker in order of their registration.

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- (6) The Chairperson may, in his or her absolute discretion, extend the time for an individual's submissions or comments beyond 2 minutes.
 - (7) The number of individual speakers to a matter listed on the agenda will be capped to a maximum of 5.
 - (8) Notwithstanding sub-clause (7) the Chairperson may, in his or her absolute discretion, increase the number of individual speakers registered to speak prior to any item on the agenda.
 - (9) A person who is unable to stay at the meeting until the agenda item is heard may read out their submission or comment during Question Time.
 - (10) The name of the submitter must be recorded against the agenda item they spoke to in the minutes, as an official record of the comment or submission to the meeting.
 - (11) Submissions or comments and any subsequent discussion will not be recorded in the minutes of the meeting.

DIVISION 8 – PETITIONS

55. Petitions

- (1) Unless Council determines to consider it as an item of urgent business, no motion (other than a motion to receive the same) may be moved in respect of any petition until the next Ordinary meeting after that at which it has been presented.
- (2) It is incumbent on every Councillor presenting a petition to acquaint himself or herself with the contents of that petition, and to be satisfied that it does not contain language disrespectful to Council and that the contents do not violate any Local Law.
- (3) Every Councillor presenting a petition to Council must confine himself or herself to a statement of the:
 - (a) persons from whom it comes;
 - (b) number of signatories to it;
 - (c) material matters expressed in it; and
 - (d) text of the petition.
- (4) Every petition presented to Council must be written (other than pencil), contain the request of the petitioners or signatories on each page (where there are multiple pages) and be signed by at least 3 people.
- (5) Every petition must be signed by the persons whose names are appended to it by their names or marks, and, except in cases of incapacity or sickness, by no one else and the address of every petitioner or signatory must be clearly stated.
- (6) Subject to sub-clause (5), a person must not inscribe upon a petition a name or signature purporting to be the name or signature of another person.

Penalty: 5 penalty units
- (7) Any signature appearing on a page which does not bear the text of the whole of the petition or request will not be considered by Council.
- (8) A copy of the text of the petition shall be included on the agenda for the next Ordinary meeting.
- (9) Every page of a petition must be a single or double sided page of paper and not be attached to any piece of paper other than another page of the petition.
- (10) The only motions that may be moved in relation to petitions set out in the agenda are:

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- (a) that the petition be received;
 - (b) that the petition be referred to an appropriate Committee for consideration and report;
 - (c) that the petition be considered at a specific time or in conjunction with a specific item;
 - (d) that the petition be dealt with in conjunction with another item on the agenda; and
 - (e) that the petition be referred to the Chief Executive Officer for consideration and response.
- (11) If a petition relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.
- (12) No member of the public is permitted to speak to the petition when presented at an Ordinary meeting. Individuals may request to speak to the petition when any report on the item is considered by a Special Committee at a later meeting.
- (13) A Councillor may present a petition that has been prepared online. In that case, sub-clause (4) will not apply.

DIVISION 9 – VOTING

56. How Motion Determined

To determine a motion before a meeting, the Chairperson must first call for those in favour of the motion, then those opposed to the motion, and then those abstaining from voting on the motion. The Chairperson must next declare the result to the meeting.

57. Silence

Voting must take place in silence.

58. Recount

The Chairperson may direct that a vote be recounted to satisfy himself or herself of the result.

59. By Show Of Hands

Voting on any matter is by show of hands.

60. No Discussion Once Declared

Once a vote on a question, motion or amendment has been taken, no further discussion relating to the question, motion or amendment is permitted.

DIVISION 10 – BEHAVIOUR

61. Display of placards and posters

- (1) A person must not display any placards or posters in the Council Chamber or in any building where a Council meeting or a Committee meeting is being, or is about to be, held, other than outside the entrance to the building and then, only if it does not obstruct the entrance to the building.

Penalty: 5 penalty units

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- (2) A person must not:
 - (a) display any offensive, indecent, insulting or objectionable item or words in the Council Chamber; or
 - (b) obstruct the entrance to the Council Chamber or a building where a Council meeting or a Special Committee meeting is being, or is about to be, held.

Penalty: 5 penalty units

62. Public Addressing The Meeting

- (1) Members of the public only have a right to address Council in accordance with the provisions under Division 7 of this Local Law, or otherwise with the consent of Council.
- (2) Any member of the public addressing Council must extend due courtesy and respect to Council and the processes under which it operates and must take direction from the Chairperson whenever called on to do so.
- (3) A member of the public present at a Council meeting must not interject during the meeting.

63. Suspensions

- (1) Where a Councillor engages in improper or disorderly conduct, or acts in a way that otherwise disrupts the meeting, or impedes its orderly conduct, Council may, by resolution, suspend that Councillor from a portion of the meeting or from the balance of the meeting, where the Chairperson has first warned the Councillor to cease that behaviour.
- (2) Where Council suspends a Councillor under sub-clause (1), the Councillor will take no active part in the portion of the meeting from which he or she has been suspended.
- (3) The Chairperson, or Council by resolution, may order and cause the removal of a Councillor who has been suspended under sub-clause (1) from the meeting for the duration of the suspension.
- (4) In causing the removal of a Councillor under sub-clause (3), the Chairperson or Council may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the Councillor.
- (5) A Councillor must not refuse or neglect to leave a meeting when ordered to do so under sub-clause (3).

Penalty: 2 penalty units

64. Chairperson May Remove

- (1) The Chairperson may order and cause the removal of any person, other than a Councillor, who disrupts any meeting or fails to comply with a direction of the Chairperson.
- (2) The Chairperson may cause the removal of any object or material that is deemed by the Chairperson to be objectionable or disrespectful.
- (3) In causing a person's removal under sub-clause (1), or the removal of an object or material under sub-clause (2), the Chairperson may ask the Chief Executive Officer, an Authorised Officer or a member of Victoria Police to remove the person or the object or material.
- (4) A person must not refuse or neglect to leave a meeting, or to remove an object or material when ordered to do so under sub-clause (1).

Penalty: 2 penalty units

65. Chairperson may adjourn disorderly meeting

If the Chairperson is of the opinion that disorder at the Council table or in the gallery makes it desirable to adjourn the meeting, he or she may adjourn the meeting to a later time on the same day or to some later day as he or she thinks appropriate. In that event, the provisions of clause 16 apply.

DIVISION 11 – ADDITIONAL DUTIES OF CHAIRPERSON

66. The Chairperson's Duties and Discretions

In addition to the duties and discretions provided in this Local Law, the Chairperson must:

- (a) ensure silence is preserved in the public galley during any meeting;
- (b) call to order any member of the public who approaches the Council or Committee table during the meeting, unless invited by the Chairperson to do so; and
- (c) call to order any person who is disruptive or unruly during any meeting.

PART 6 – COMMITTEES

Introduction: This part is broken into Divisions and provides for the regulation of proceedings at Committee meetings.

DIVISION 1 – SPECIAL COMMITTEES

67. Application generally

- (1) Except as provided in this Part, if Council establishes a Special Committee, Part 1 and Part 5, Divisions 1–11, of this Local Law apply to meetings of the Special Committee with any necessary modifications.
- (2) For the purpose of sub-clause (1), a reference in Part 5, Divisions 1–11, of this Local Law to:
 - (a) a Council meeting is to be read as a reference to a meeting of the Special Committee;
 - (b) a Councillor is to be read as a reference to a member of the Special Committee; and
 - (c) the Mayor is to be read as a reference to the Chairperson of the Special Committee.

68. Addressing a Special Committee Meeting

It is not necessary for a Member to rise when addressing a Special Committee meeting.

69. Application specifically

Despite clause 68 of this Local Law, if Council establishes a Special Committee, Council may resolve that a provision of this Local Law does not apply to that Committee.

DIVISION 2 – ADVISORY COMMITTEES

70. Application to Advisory Committees Generally

- (1) If Council establishes an Advisory Committee, Part 1 and Part 5, Divisions 1–11, of this Local Law apply to meetings of the Advisory Committee with any necessary modifications.
- (2) For the purposes of sub-clause (1) a reference in Part 5, Divisions 1–11, of this Local Law to:
 - (a) a Council meeting is to be read as a reference to a meeting of the Advisory Committee;
 - (b) a Councillor is to be read as a reference to a member of the Advisory Committee; and
 - (c) the Mayor is to be read as a reference to the Chairperson of the Advisory Committee.

71. Application to Advisory Committees Specifically

Despite clause 71 of this Local Law, if Council establishes an Advisory Committee:

- (a) Council; or
- (b) the Advisory Committee, with the approval of Council,

may resolve that any provision(s) of Part 5, Divisions 1–11, of this Local Law is or are (as appropriate) not to apply, whereupon that provision or those provisions will not apply until Council resolves, or the Advisory Committee with the approval of Council resolves, otherwise.

PART 7 – ENFORCEMENT AND PENALTIES

72. Infringement Notices

- (1) An Authorised Officer may issue an infringement notice in respect of an offence against this Local Law.
- (2) The fixed penalty in respect of an infringement is the amount set out in Schedule 1.
- (3) An infringement notice may be withdrawn by an Authorised Officer, following representations from any person served with an infringement notice or made on behalf of that person.

73. Payment of Penalty

- (1) A person issued with an infringement notice may pay the penalty indicated to the Chief Executive Officer, Darebin City Council, PO Box 91, Preston 3072.
- (2) To avoid prosecution, the penalty indicated must be paid within 28 days after the day on which the infringement notice is issued.
- (3) A person issued with an infringement notice is entitled to disregard the notice and defend the prosecution in court.

SCHEDULE 1 – Penalties Fixed For Infringements

Persons who contravene this local law may receive an infringement of the following penalty amounts.

In addition or alternatively contravention may be subject to court action which may result in the maximum penalties as detailed in the body of this local law.

Clause	Offence	Infringement Penalty
7(5)	Using the Common Seal or replica without authority	3
44(4)	Recording meeting without prior approval	1
44(5)	Continuing to record a meeting after consent is revoked by the Chairperson	1
56(6)	Fraudulently signing a petition or joint letter	1
62(1)	Displaying placard or poster within Council Chamber or building	1
62(2)	Displaying objects or words or obstructing entrance to Council Chamber or building	1
44(4) 45(3) 64(5) 65(4)	Failing to comply with a requirement, direction or order of the Chairperson	0.5

SCHEDULE 2 - Procedural Motions

FORMAL MOTION	FORM	MOVER AND SECONDER	MATTER IN RESPECT OF WHICH MOTION MAY BE MOVED	WHEN MOTION IS PROHIBITED	CAN THERE BE DEBATE	EFFECT IF CARRIED	EFFECT IF LOST
Adjournment of debate to later time or date	That this matter be adjourned to: <ul style="list-style-type: none"> am/pm; and/or date 	Any Councillor	Any matter	<ul style="list-style-type: none"> During the election of a Chairperson When another Councillor is speaking 	Yes, but any resultant amendment may only relate to the time and date	Motion and amendments postponed to the stated time and/or date	Debate continues unaffected
Adjournment of meeting to later time or date	That the meeting be adjourned to: <ul style="list-style-type: none"> am/pm; and/or date 	Any Councillor	Any meeting	<ul style="list-style-type: none"> During the election of a Chairperson When another Councillor is speaking 	Yes, but any amendment may only relate to the time and date	Meeting adjourns immediately until the stated time and/or date	Debate continues unaffected
The closure	That the motion be now put	Any Councillor	Any matter	<ul style="list-style-type: none"> During nominations for Chairperson 	No	Motion or amendment in respect of which the closure is carried is put to the vote immediately without further debate	Debate continues unaffected

