



Australian Capital Territory

Annual Reports (Government Agencies) Act 2004

A2004-8

Republication No 8

Effective: 3 June 2015 – 31 August 2016

Republication date: 3 June 2015

Last amendment made by [A2015-16](#)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Annual Reports (Government Agencies) Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 3 June 2015. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 3 June 2015.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Annual Reports (Government Agencies) Act 2004

Contents

| | Page |
|---------------|---|
| Part 1 | Preliminary |
| 1 | Name of Act 2 |
| 3 | Dictionary 2 |
| 4 | Notes 2 |
| Part 2 | Annual reports |
| 5 | Annual report of director-general 3 |
| 6 | Annual report of public authority 3 |
| 7 | Annual report of commissioner for public administration 3 |
| 8 | Annual report direction 4 |
| 9 | Consultation about annual report direction 5 |

R8
03/06/15

Annual Reports (Government Agencies) Act 2004
Effective: 03/06/15-31/08/16

contents 1

| | Page |
|-------------------|---|
| Part 3 | Responsible Ministers |
| 10 | Responsible Minister for director-general annual report 6 |
| 11 | Responsible Minister for public authority annual report 6 |
| 12 | Declaration of responsible Minister for public authority 6 |
| Part 4 | Presentation of annual reports |
| 13 | Responsible Minister to present annual report 7 |
| 14 | Extension of time for presenting annual reports 8 |
| 15 | Presentation of annual reports of Office of the Legislative Assembly and officers of the Assembly 9 |
| Part 5 | Miscellaneous |
| 16 | Declaration of public authority 11 |
| 17 | Combined reports 11 |
| 18 | Relationship to other laws 12 |
| 19 | References to <i>officer of the Assembly</i> 12 |
| Dictionary | 13 |
| Endnotes | |
| 1 | About the endnotes 16 |
| 2 | Abbreviation key 16 |
| 3 | Legislation history 17 |
| 4 | Amendment history 18 |
| 5 | Earlier republications 20 |



Australian Capital Territory

Annual Reports (Government Agencies) Act 2004

An Act relating to annual reports for certain government agencies, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Annual Reports (Government Agencies) Act 2004*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act.

For example, the signpost definition '*director-general annual report*—see section 5.' means that the term 'director-general annual report' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Annual reports

5 Annual report of director-general

- (1) The director-general of an administrative unit must, for a reporting year, prepare a report about the operation of the administrative unit in the reporting year (a *director-general annual report*).
- (2) The report must include a statement describing the measures taken by the administrative unit during the reporting year to respect, protect and promote human rights.

6 Annual report of public authority

- (1) A public authority must, for a reporting year, prepare a report about the operation of the authority in the reporting year (a *public authority annual report*).
- (2) The report of the following public authorities must include an account of the management of the entity's office during the reporting year:
 - (a) the Office of the Legislative Assembly;
 - (b) an officer of the Assembly.

Note The auditor-general is a public authority (see dict, def *public authority*). However, the auditor-general is not required to comply with this Act in certain circumstances (see [Auditor-General Act 1996](#), s 7A).

7 Annual report of commissioner for public administration

- (1) The commissioner for public administration must, for a reporting year, prepare a report about the operation of the public service in the reporting year (a *state of the service report*).
- (2) The report must include an account of the management of the public service as a whole in the reporting year.

8 Annual report direction

- (1) The Minister must make a direction about annual reports (an *annual report direction*).

Note Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters (see [Legislation Act](#), s 48).

- (2) An annual report, other than an annual report of the following entities, must comply with the annual report direction:
- (a) the Office of the Legislative Assembly;
 - (b) an officer of the Assembly.
- (3) The annual report direction may require the following:
- (a) an annual report to include stated information;
 - (b) an annual report to be in a stated form or published in a stated place;
 - (c) all or part of an annual report to be included in another annual report (as an attachment or otherwise);
 - (d) an annual report or part of an annual report to be prepared for a stated period;
 - (e) a director-general annual report to include stated matters if a public authority does not comply with section 6 (Annual report of public authority) or the annual report direction;
 - (f) an annual report to be given by a stated person or stated public authority to the responsible Minister by a stated day;
 - (g) for a public authority annual report—the report to include a statement describing the measures taken by the public authority during the reporting year to respect, protect and promote human rights.

- (4) An annual report direction is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (5) The Minister must present a copy of an annual report direction to the Legislative Assembly within 6 sitting days after the day it is notified under the [Legislation Act](#).

9 Consultation about annual report direction

- (1) Before making an annual report direction under section 8, the Minister must—
- (a) give the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts (the *committee*) a copy of the proposed annual report direction; and
 - (b) ask the committee, in writing, for any recommendation about the proposed annual report direction; and
 - (c) consider any recommendation made, in writing, by the committee.
- (2) The Minister must not make the annual report direction until the earlier of—
- (a) the committee giving the Minister any recommendation; or
 - (b) 30 days after asking the committee for a recommendation.

Part 3 Responsible Ministers

10 Responsible Minister for director-general annual report

The responsible Minister for a director-general annual report of the director-general of an administrative unit is the Minister allocated responsibility for the administrative unit under the *Public Sector Management Act 1994*, section 14 (1) (a) (Ministerial responsibility and functions of administrative units).

11 Responsible Minister for public authority annual report

- (1) The responsible Minister for a public authority annual report is—
 - (a) for a public authority established or appointed under an Act—the Minister administering the Act in the relevant respect; or
 - (b) for any other public authority—the Minister declared under section 12 to be the responsible Minister for the public authority.
- (2) This section does not apply to an annual report of—
 - (a) the Office of the Legislative Assembly; or
 - (b) an officer of the Assembly.

12 Declaration of responsible Minister for public authority

- (1) The Chief Minister may declare that a Minister is the responsible Minister for a public authority other than—
 - (a) the Office of the Legislative Assembly; or
 - (b) an officer of the Assembly.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

Part 4 Presentation of annual reports

13 Responsible Minister to present annual report

- (1) The responsible Minister for an annual report must present the report to the Legislative Assembly—
 - (a) within 15 weeks after the end of the reporting year (the *15-week period*), and on the day (if any) declared under subsection (2); or
 - (b) if the 15-week period coincides with all or part of the pre-election period for a general election of members of the Assembly—on the 2nd sitting day after the election is held.
- (2) The Chief Minister may declare that an annual report to which subsection (1) (a) applies must be presented to the Legislative Assembly on a stated day that is within the 15-week period.
- (3) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).
- (4) If an annual report to which subsection (1) (a) applies has not been presented to the Legislative Assembly before the last 7 days of the 15-week period, and there are no sitting days of the Legislative Assembly during the 7 days—
 - (a) the responsible Minister must give the report, and a copy for each member of the Legislative Assembly, to the Speaker before the end of the 15-week period; and
 - (b) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the day the responsible Minister gives it to the Speaker; and
 - (c) the responsible Minister must present the report to the Legislative Assembly—
 - (i) on the next sitting day after the end of the 15-week period; or

(ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.

(5) This section has effect subject to section 14.

(6) In this section:

pre-election period—see the *Electoral Act 1992*, dictionary.

Speaker includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; and
- (b) if both the Speaker and Deputy Speaker are unavailable—the clerk of the Legislative Assembly.

unavailable—the Speaker or Deputy Speaker is *unavailable* if—

- (a) he or she is absent from duty; or
- (b) there is a vacancy in the office of Speaker or Deputy Speaker.

14 Extension of time for presenting annual reports

- (1) The responsible Minister for an annual report may apply to the Chief Minister for an extension of the time when the Minister must present the report to the Legislative Assembly or, if section 13 (4) applies, when the responsible Minister must give the report to the Speaker.
- (2) An application for an extension must be made before the end of the period in which, or day when, the report is required under section 13 to be presented to the Legislative Assembly or given to the Speaker.
- (3) The application must be accompanied by a written statement of the reasons for the failure to meet the time.

- (4) The Chief Minister may extend the time by—
 - (a) setting a period within which the report must be presented to the Legislative Assembly; or
 - (b) fixing a day when the report must be presented to the Legislative Assembly.
- (5) If the extension has been granted, the responsible Minister must present the report to the Legislative Assembly in accordance with the extension.
- (6) However, if there are no sitting days of the Legislative Assembly during the period mentioned in subsection (4) (a), section 13 (4) (a) to (c) applies as if a reference to the 15-week period were a reference to the period mentioned in subsection (4) (a).
- (7) The statement mentioned in subsection (3) must be presented to the Legislative Assembly before the end of the period in which, or day when, the report is required under section 13 to be presented to the Legislative Assembly or given to the Speaker.

15 Presentation of annual reports of Office of the Legislative Assembly and officers of the Assembly

- (1) This section applies to an annual report of the following entities:
 - (a) the Office of the Legislative Assembly;
 - (b) an officer of the Assembly.
- (2) The Speaker must present the report to the Legislative Assembly—
 - (a) within 15 weeks after the end of the reporting year; or
 - (b) if the 15-week period coincides with all or part of the pre-election period for a general election of members of the Assembly—on the 2nd sitting day after the election is held.

- (3) If an annual report to which subsection (1) (a) applies has not been presented to the Legislative Assembly before the last 7 days of the 15-week period, and there are no sitting days of the Legislative Assembly during the 7 days—
- (a) the clerk of the Legislative Assembly or the officer of the Assembly must give a copy of the report for each member of the Legislative Assembly to the Speaker before the end of the 15-week period; and
 - (b) the Speaker must arrange for a copy of the report to be given to each member of the Legislative Assembly on the day the clerk or officer gives it to the Speaker; and
 - (c) the Speaker must present the report to the Legislative Assembly—
 - (i) on the next sitting day after the end of the 15-week period; or
 - (ii) if the next sitting day is the first meeting of the Legislative Assembly after a general election of members of the Assembly—on the second sitting day after the election.
- (4) At the request of the clerk or officer, the Speaker may present the report to the Legislative Assembly after the time required under subsection (2) or (3).
- (5) If subsection (4) applies, the Speaker must present the report to the Legislative Assembly as soon as practicable.
- (6) In this section:
pre-election period—see the *Electoral Act 1992*, dictionary.

Part 5 Miscellaneous

16 Declaration of public authority

- (1) The Minister may declare that a statutory office-holder is a public authority for this Act.
- (2) The Minister may declare that a body established under an Act is a public authority for this Act.

Note **Body** includes any group of people joined together for a common purpose, whether or not incorporated (see [Legislation Act](#), dict, pt 1).

- (3) A declaration under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

17 Combined reports

- (1) This section applies if—
 - (a) a person is required to prepare more than 1 report under this Act in relation to the same reporting year; and
 - (b) the person considers that the reports can appropriately be combined into a single report that complies with this Act.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act (see [Legislation Act](#), s 104).

- (2) The preparation of a combined report, and presentation of the report to the Legislative Assembly, is taken to comply with the requirements of this Act about the preparation and presentation of the reports that have been combined.

18 Relationship to other laws

- (1) This Act is in addition to the requirements of any other Territory law.
- (2) If a public authority is required under any other law to prepare a report on the operation of the authority, the authority may prepare a report that complies with both this Act and the other law.

19 References to *officer of the Assembly*

For this Act, a reference to an *officer of the Assembly*, in relation to the electoral commissioner, includes the other members of the electoral commission.

Note The electoral commissioner is an *officer of the Assembly* (see [Legislation Act](#), dict, pt 1). All members of the electoral commission are independent officers of the Legislative Assembly (see the [Electoral Act 1992](#), s 6A).

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- administrative unit
- auditor-general
- body
- Chief Minister
- clerk (of the Legislative Assembly)
- commissioner for public administration
- director-general (see s 163)
- electoral commission
- electoral commissioner
- entity
- financial year
- Minister (see s 162)
- notifiable instrument (see s 10)
- Office of the Legislative Assembly
- officer of the Assembly
- public service
- sitting day
- statutory office-holder
- territory instrumentality
- Territory owned corporation.

annual report means—

- (a) a director-general annual report; or
- (b) a public authority annual report; or
- (c) a public administration annual report.

annual report direction—see section 9.

director-general annual report—see section 5.

public administration annual report—see section 7.

public authority means—

- (a) a Territory instrumentality; or
- (b) a territory-owned corporation; or
- (c) a statutory office-holder declared under section 16 (1) to be a public authority; or
- (d) a body declared under section 16 (2) to be a public authority; or
- (e) the Office of the Legislative Assembly; or
- (f) an officer of the Assembly.

public authority annual report—see section 6.

reporting year—

- (a) means—
 - (i) a financial year; or
 - (ii) if a period is stated in an annual report direction under section 8 (3) (d) (Annual report direction)—the stated period; but
- (b) if an administrative unit or public authority did not operate for all of the period mentioned in paragraph (a)—does not include the period during which the administrative unit or public authority did not operate.

responsible Minister—

- (a) for a director-general annual report—see section 10; or
- (b) for a public authority annual report—see section 11; or
- (c) for a public administration annual report—means the Chief Minister.

Speaker—see section 13 (6) (Responsible Minister to present annual report).

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

| | |
|---|---|
| A = Act | NI = Notifiable instrument |
| AF = Approved form | o = order |
| am = amended | om = omitted/repealed |
| amdt = amendment | ord = ordinance |
| AR = Assembly resolution | orig = original |
| ch = chapter | par = paragraph/subparagraph |
| CN = Commencement notice | pres = present |
| def = definition | prev = previous |
| DI = Disallowable instrument | (prev...) = previously |
| dict = dictionary | pt = part |
| disallowed = disallowed by the Legislative Assembly | r = rule/subrule |
| div = division | reloc = relocated |
| exp = expires/expired | renum = renumbered |
| Gaz = gazette | R[X] = Republication No |
| hdg = heading | RI = reissue |
| IA = Interpretation Act 1967 | s = section/subsection |
| ins = inserted/added | sch = schedule |
| LA = Legislation Act 2001 | sdiv = subdivision |
| LR = legislation register | SL = Subordinate law |
| LRA = Legislation (Republication) Act 1996 | sub = substituted |
| mod = modified/modification | <u>underlining</u> = whole or part not commenced or to be expired |

3 Legislation history

Annual Reports (Government Agencies) Act 2004 A2004-8

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
pt 6 commenced 1 July 2004 (s 20 and see [Human Rights Act 2004 A2004-5 s 2](#))
remainder commenced 13 April 2004 (s 2 and [CN2004-5](#))

as amended by

[Administrative \(One ACT Public Service Miscellaneous Amendments\) Act 2011 A2011-22 sch 1 pt 1.12](#)

notified LR 30 June 2011
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))
sch 1 pt 1.12 commenced 1 July 2011 (s 2 (1))

[Legislative Assembly \(Office of the Legislative Assembly\) Act 2012 A2012-26 sch 1 pt 1.1](#)

notified LR 24 May 2012
s 1, s 2 commenced 24 May 2012 (LA s 75 (1))
sch 1 pt 1.1 commenced 1 July 2012 (s 2)

[Auditor-General Amendment Act 2013 A2013-25 sch 1 pt 1.1](#)

notified LR 20 August 2013
s 1, s 2 commenced 20 August 2013 (LA s 75 (1))
sch 1 pt 1.1 commenced 20 February 2014 (s 2 and LA s 79)

[Officers of the Assembly Legislation Amendment Act 2013 A2013-41 sch 1 pt 1.1](#)

notified LR 7 November 2013
s 1, s 2 commenced 7 November 2013 (LA s 75 (1))
sch 1 pt 1.1 commenced 1 July 2014 (s 2)

[Annual Reports \(Government Agencies\) Amendment Act 2015 A2015-16](#)

notified LR 27 May 2015
s 1, s 2 commenced 27 May 2015 (LA s 75 (1))
remainder commenced 3 June 2015 (s 2)

Endnotes

4 Amendment history

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Dictionary

s 3 am [A2011-22](#) amdt 1.42

Annual report of director-general

s 5 hdg am [A2011-22](#) amdt 1.46

s 5 am [A2004-8](#) s 21; [A2011-22](#) amdt 1.46

sub [A2015-16](#) s 4

Annual report of public authority

s 6 am [A2012-26](#) amdt 1.1, amdt 1.2; ss renum R5 LA; [A2013-25](#)
amdt 1.1; [A2013-41](#) amdt 1.1, amdt 1.2

sub [A2015-16](#) s 4

Annual report of commissioner for public administration

s 7 sub [A2015-16](#) s 4

Annual report direction

s 8 sub [A2015-16](#) s 4

Consultation about annual report direction

s 9 am [A2004-8](#) s 22; pars renum R2 LA (see [A2004-8](#) s 23);
[A2011-22](#) amdt 1.46; [A2012-26](#) amdt 1.3; ss renum R5 LA;
[A2013-41](#) amdt 1.3

sub [A2015-16](#) s 4

Responsible Minister for director-general annual report

s 10 hdg am [A2011-22](#) amdt 1.46

s 10 am [A2011-22](#) amdt 1.46

Responsible Minister for public authority annual report

s 11 am [A2012-26](#) amdt 1.4; [A2013-41](#) amdt 1.4

Declaration of responsible Minister for public authority

s 12 am [A2012-26](#) amdt 1.5; [A2013-41](#) amdt 1.5

Responsible Minister to present annual report

s 13 am [A2015-16](#) ss 5-8

Extension of time for presenting annual reports

s 14 am [A2015-16](#) ss 9-12

Presentation of annual reports of Office of the Legislative Assembly and officers of the Assembly

s 15 sub [A2012-26](#) amdt 1.6; [A2013-41](#) amdt 1.6

am [A2015-16](#) ss 13-16

Declaration of public authority

s 16 am [A2015-16](#) s 17

Combined reportss 17 am [A2015-16](#) s 18**References to *officer of the Assembly***s 19 exp 1 July 2005 (s 19 (2))
ins [A2013-41](#) amdt 1.7**Amendments of section 5 and section 9—human rights**

pt 6 hdg om R2 LA

Application of pt 6

s 20 om R2 LA

Act, section 5 (2)

s 21 om LA s 89 (3)

Act, new section 9 (3) (da) and note

s 22 om LA s 89 (3)

Act, section 9 (3)

s 23 om LA s 89 (3)

Expiry of pt 6

s 24 om R2 LA

Repeals and consequential amendments

pt 7 hdg om LA s 89 (3)

Act repealed

s 25 om LA s 89 (3)

Instruments repealed

s 26 om LA s 89 (3)

Auditor-General Act 1996, new section 9A

s 27 om LA s 89 (3)

Dictionarydict am [A2011-22](#) amdt 1.43, amdt 1.44; [A2012-26](#) amdt 1.7;
[A2013-41](#) amdt 1.8; [A2015-16](#) s 19
def **annual report** am [A2011-22](#) amdt 1.46
def **chief executive annual report** om [A2011-22](#) amdt 1.45
def **director-general annual report** ins [A2011-22](#) amdt 1.45
def **financial year** am [A2011-22](#) amdt 1.46
om [A2015-16](#) s 20
def **public authority** am [A2012-26](#) amdt 1.8; [A2013-41](#)
amdt 1.9; [A2015-16](#) s 21, s 22; pars renum R8 LA
def **reporting year** ins [A2015-16](#) s 23
def **responsible minister** am [A2011-22](#) amdt 1.46
def **Territory instrumentality** om [A2015-16](#) s 24

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

| Republication No and date | Effective | Last amendment made by | Republication for |
|----------------------------------|------------------------------|-------------------------------|---|
| R1 13 Apr 2004 | 13 Apr 2004– 30 June 2004 | not amended | new Act |
| R2 1 July 2004 | 1 July 2004– 1 July 2005 | not amended | amendments on commencement of A2004-5 |
| R3 2 July 2005 | 2 July 2005– 30 June 2011 | not amended | commenced expiry |
| R4 1 July 2011 | 1 July 2011– 30 June 2012 | A2011-22 | amendments by A2011-22 |
| R5 1 July 2012 | 1 July 2012– 19 Feb 2014 | A2012-26 | amendments by A2012-26 |
| R6 20 Feb 2014 | 20 Feb 2014– 30 June 2014 | A2013-25 | amendments by A2013-25 |
| R7 1 July 2014 | 1 July 2014– 2 June 2015 | A2013-41 | amendments by A2013-41 |

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