

Compare between:

[17 Jun 2015, 00-b0-05] and [28 Jun 2019, 00-c0-00]

### Western Australia

Biosecurity and Agriculture Management Act 2007

### **Biosecurity and Agriculture Management** (Infringement Notices) Regulations 2013

### 1. Citation

These regulations are the *Biosecurity and Agriculture* Management (Infringement Notices) Regulations 2013.

### 2. Commencement

- (a) regulations 1 and 2 on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations on the day after that day.

### **3.** Infringement notices

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under section 126 of the Act.
- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of section 126 of the Act.

### 4. Forms

For the purposes of sections 126 and 127 of the Act, the forms set out in Schedule 2 are prescribed in relation to the matters specified in those forms.

# Schedule 1 — Prescribed offences and modified penalties

[r. 3]

Offences Act 2007	under Biosecurity and Agriculture Management	Modified penalty \$
s. 15(1)	Importing prohibited organism (other than high impact organism) except in accordance with import permit and regulations	1 000
s. 15(2)	Importing unlisted organism except in accordance with import permit and regulations	400
s. 15(3)	Importing prescribed potential carrier (other than of a high impact organism) if import not permitted under, or not in accordance with, regulations	1 000
s. 19(2)	Commercial passenger carrier failing to give passengers prescribed import information	300
s. 19(3)	Commercial passenger carrier failing to provide secure facility to deposit imported organisms and potential carriers	300
s. 19(4)	Commercial passenger carrier failing to dispose of organism or potential carrier in accordance with regulations	400
s. 20(2)	Commercial carrier failing to give notice of transport of declared pest or potential carrier in accordance with regulations	300
s. 21(3)	Failing to present to inspector imported organism or prescribed potential carrier or import permit, or to provide relevant information	400
s. 23(1)	Dealing with declared pest (other than high impact organism) in prohibited manner	1 000
s. 23(3)	Contravening regulations in respect of moving declared pest (other than high impact organism) or animal, plant or thing infected or infested with	
	declared pest (other than high impact organism)	400

<b>Division 1</b> — <i>Biosecurity</i>	v and Agriculture	Management Act 2007

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#### Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013 Prescribed offences and modified penalties Schedule 1 Biosecurity and Agriculture Management Act 2007 **Division 1**

Offences Act 2007	under Biosecurity and Agriculture Management	Modified penalty \$
s. 24(2)	Contravening regulations or management plan in relation to introduction of declared pest etc. (other than in relation to high impact organism)	400
s. 24(4)	Contravening regulations or management plan in relation to supply of declared pest etc. (other than in relation to high impact organism)	400
s. 25	Keeping, breeding, cultivating or supplying declared pest (other than high impact organism) contrary to Act or authorisation	400
s. 29	Failing to comply with pest exclusion notice	400
s. 30(2)	Owner or other person in control of organism or thing failing to take prescribed control measures to control declared pest	400
s. 30(3)	Owner or occupier of land failing to take prescribed control measures to control declared pest	400
s. 32	Failing to comply with pest control notice (other than in relation to high impact pest)	1 000
s. 52(4)	Using land in contravention of residue management notice	1 000
s. 56(1)	Dealing with chemical product without prescribed qualification or authorisation	1 000
s. 56(2)	Dealing with chemical product without giving notice in accordance with regulations	1 000
s. 56(3)	Dealing with chemical product other than in accordance with regulations	1 000
s. 56(4)	Advising on dealing with chemical product other than in accordance with regulations	1 000
s. 56(5)	Dealing with chemical product when regulations prohibit dealing	1 000
s. 56(6)	Failing to comply with regulations in relation to keeping records about dealing with chemical product	1 000
s. 57	Failing to comply with regulations providing for dealing with thing treated, or not treated, with chemical product or information about dealing	1 000
Compare 1	7 Jun 2015 [00-b0-05] / 28 Jun 2019 [00-c0-00] Published on www.legislation.wa.gov.au	page

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# Biosecurity and Agriculture Management (Infringement Notices)Regulations 2013Schedule 1Prescribed offences and modified penalties

Division 2	Biosecurity and Agriculture Management Regulations 2013

Offences under <i>Biosecurity and Agriculture Management</i> Act 2007		Modified penalty \$
s. 92	Contravening section relating to inspectors, directions	
	and information	400

### Division 2 — Biosecurity and Agriculture Management Regulations 2013

Offences <i>Regulatio</i>	under Biosecurity and Agriculture Management ns 2013	Modified penalty \$
r. 11(6)	Keeping certain potential carriers other than as authorised by, and in accordance with, permit	100
r. 24(2)	Inoculating vertebrate with product containing declared pest	200
r. 26(2)	Advertising supply of declared pest	100
r. 26(5)	Failing to comply with requirement to discontinue advertisement or publish notice of advice	100
r. 30(4)	Removing biosecurity sign	200
r. 32(4)	Holding or participating in exhibition or sale of vertebrates, or causing gathering of vertebrates, in contravention of prohibition or condition	400
r. 33(1)	Making results of unauthorised test public	400
r. 34(2)	Moving stock from abattoir without permit	200
r. 34(3)	Moving stock from feedlot without authority	200
r. 36(4)	Failing to keep record of search or surveillance	100
r. 36(5)	Failing to comply with search or surveillance direction	100
r. 40(2)	Interfering with pest control device	200
r. 45(2)	Setting trap for vertebrate without permit	200
r. 45(3)	Failing to take action in relation to trap as required by regulations	200
r. 48	Using barrier fence without consent	200
r. 49	Damaging or misusing barrier fence	200
r. 50(1)	Driving or keeping animal near barrier fence	200

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### Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013 Prescribed offences and modified penalties Schedule 1 Biosecurity and Agriculture Management Regulations 2013 **Division 2**

<b>Offences under</b> <i>Biosecurity and Agriculture Management</i> <i>Regulations 2013</i>		Modified penalty \$
r. 51	Travelling along barrier fence reserve	200
r. 54(2)	Making false claim in relation to detection, removal or	
	destruction of declared pest	200
r. 57	Failing to comply with quarantine notice	400
r. 58(1)	Failing to give notice or advise of quarantine notice	400
r. 58(2)	Person on quarantined place failing to comply	400
r. 64(7)	Failing to comply with direction about warning sign	200
r. 64(8)	Removing or interfering with warning sign	200
r. 65(4)	Entering quarantined place in contravention of direction	400
r. 66(5)	Moving organism in contravention of movement notice	400
r. 69(1)	Interfering with approved movement of organism of concern or potential carrier	400
r. 69(2)	Interfering with identification on organism of concern or potential carrier	400
r. 70	Outgoing owner failing to notify Director General and new owner	200
r. 75(4)	Failing to give notice of intention to import	300
r. 76	Failing to give notice of intention to import under Commonwealth permit	200
r. 79(4)	Failing to have organism or carrier inspected in manner required by regulations	400
r. 80	Removing organism or carrier from inspection point without authority or direction	400
r. 82(3)	Failing to comply with requirement of warning sign	400
r. 82(4)	Failing to keep conveyance stationary upon stopping	100
00	in accordance with warning sign	400
r. 83	Damaging or interfering with warning sign	400
r. 84	Failing to keep conveyance stationary when required to stop by inspector	400
r. 85(2)	Failing to give copy of direction to person to whom control of thing is transferred	400
Compare	17 Jun 2015 [00-b0-05] / 28 Jun 2019 [00-c0-00] Published on www.legislation.wa.gov.au	page \$

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Schedule 1	Prescribed offences and modified penalties
Division 3	Biosecurity and Agriculture Management (Agriculture
	Standards) Regulations 2013

<b>Offences under</b> <i>Biosecurity and Agriculture Management</i> <i>Regulations 2013</i>		Modified penalty \$	
r. 87(1)	Storing hive without closing entrance	200	
r. 87(4)	Failing to comply with notice about storing hive	200	
r. 98	Contravening condition on permit	400	
r. 104(3)	Permit holder failing to give information as required	100	
r. 105	Falsely holding out as permit holder	400	
r. 115	Contravening condition of quarantine facility approval	400	
r. 119(9)	Failing to comply with requirement in closure notice	400	
r. 123(1)	Altering quarantine facility without approval	400	
r. 124	Falsely holding out as person in whose name		
	quarantine facility is approved	400	

Division 3 — Biosecurity and Agriculture Management (Agriculture
Standards) Regulations 2013

<b>Offences under</b> <i>Biosecurity and Agriculture Management</i> (Agriculture Standards) Regulations 2013		Modified penalty \$
r. 10(6)	Failing to comply with duty or obligation in residue quarantine notice	2 000
r. 20B	Failing to ensure that cattle treated with HGP is marked as required	500
r. 20C(3)	Failing to ensure that ear punch mark on animal treated with HGP remains permanently identifiable	500
r. 20D(4)	Declaring animal is HGP free if person has treated animal with HGP or not obtained a declaration that animal is HGP free from previous owner	500
r. 20D(5)	Making false claim in relation to declaration that animal is HGP free	500
r. 25	Failing to produce animal feed in accordance with approved quality assurance scheme	500
r. 27(1)	Failing to label manufactured animal feed container (weighing 5 kg or more) in accordance with regulations	200

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# Biosecurity and Agriculture Management (Infringement Notices)<br/>Regulations 2013Prescribed offences and modified penaltiesSchedule 1Biosecurity and Agriculture Management (AgricultureDivision 3

Standards) Regulations 2013

Offences (Agriculti	Modified penalty \$	
r. 27(2)	Failing to label manufactured animal feed container	
	(weighing less than 5 kg) in accordance with regulations	200
r. 27(3)	Failing to include vitamin or mineral information on manufactured animal feed container label	200
r. 27(4)	Failing to label delivery docket (for bulk supply of manufactured animal feed) in accordance with regulations	200
r. 27(5)	Failing to label container or docket (for single transaction supply of 500 kg of manufactured animal feed) in accordance with regulations	200
r. 27(6)	Failing to label container or docket (for manufactured animal feed containing veterinary chemical product) in accordance with regulations	200
r. 29(1)	Supplying animal feed after expiry date has passed	200
r. 29(2)	Person who is not manufacturer supplying container of manufactured animal feed contrary to label	200
r. 29(3)	Supplying animal feed contrary to export label	200
r. 29(4)	Feeding stock animal feed contrary to export label	200
r. 29(5)	Storing animal feed contrary to instructions on label or delivery docket	200
r. 31	Failing to hold or store manufactured animal feed in a manner which prevents it coming into contact with restricted animal material	500
r. 32(4)	Giving animal feed containing restricted animal material to ruminant	500
r. 32(5)	Putting animal feed for ruminants in container that has been used for packing restricted animal material	500
r. 33(3)	Failing to label certain manufactured animal feed as containing restricted animal material	200
r. 33(4)	Failing to label certain manufactured animal feed as not containing restricted animal material	200

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Schedule 1	Prescribed offences and modified penalties		
Division 4	Biosecurity and Agriculture Management (Identification and		
	Movement of Stock and Apiaries) Regulations 2013		

Offence (Agricu	Modified penalty \$	
r. 36	Doing thing in relation to prohibited pig feed in	
	contravention of regulations	500
r. 39	Failing to label fertiliser as required by regulations	200
r. 45	Selling immature citrus fruit intended for	
	consumption as fresh fruit	200
r. 47	Selling immature table grapes intended for	
	consumption as fresh fruit	200

[Division 3 amended: Gazette 16 Jun 2015 p. 2072.]

### Division 4 — Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013

Offences under Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013		
r. 7(1)	Owning or purchasing stock when not registered	200
r. 10(1)	Operating a non-farming property when not registered	200
r. 13(1)	Being or becoming a beekeeper when not registered	200
r. 18	Failing to give notice of the movement of stock to farming property in certain circumstances	200
r. 19(1)	Registered person failing to give notice of change of address	200
r. 19(2)	Registered beekeeper failing to give notice of change of place of residence or business	200
r. 38(8)	Permit holder failing to comply with requirement	200
r. 39	Failing to give to inspector unused device or identification equipment after registered identifier ceases to be allotted to person	500
r. 40(1)	Possessing device or identification equipment when not registered owner of the identifier	200
r. 40(2)	Having on property a device or identification equipment contrary to regulations	500

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Prescribed offences and modified penalties Schedule 1 Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013

Offences under Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013		
r. 40(4)	Removing device or identification equipment from	500
40(1)	property contrary to regulations	500
r. 49(1)	Failing to give NLIS device to inspector	200
r. 62(5)	Failing to retain confirmation of registration record where person supplied with device or identification equipment	200
r. 62(7)	Failing to comply with direction to give record made under this regulation to approved person	500
r. 65(2)	Failing to retain confirmation of registration record where person supplied with NLIS device	200
r. 65(4)	Failing to comply with direction to give record made under this regulation to approved person	500
r. 67(5)	Failing to retain confirmation of registration record where person supplied with NLIS tag	200
r. 67(7)	Failing to comply with direction to give record made under this regulation to approved person	500
r. 70(7)	Failing to retain identification exemption certificate for specified time	200
r. 73(1)	Possessing or controlling live animal not identified in accordance with regulations	500
r. 76(1)	Failing to identify certain cattle or buffalo in the south-west of the State in accordance with regulations	200
r. 76(2)	Failing to identify certain cattle or buffalo in accordance with regulations	200
r. 88(2)	Failing to keep animal without NLIS separate from other animals	200
r. 89(2)	Failing to give information to saleyard operator as required	500
r. 104(1)	Saleyard operator failing to apply NLIS post breeder device to animal or update NLIS database	500
r. 104(3)	Saleyard operator failing to hold animals at saleyard and inform inspector	200

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Schedule 1	Prescribed offences and modified penalties		
Division 4	Biosecurity and Agriculture Management (Identification and		
	Movement of Stock and Apiaries) Regulations 2013		

Regulations 2013r. 105Saleyard operator failing to comply with direction of inspectorr. 108(1)Saleyard operator moving animal from saleyard contrary to regulationsr. 110(2)Abattoir operator failing to comply with direction of inspectorr. 116(2)Export depot operator failing to comply with direction of inspectorr. 128Moving sheep or goat from farming property contrary to regulationsr. 129A(1)Moving pig less than 25 kg from farming property	penalty \$
<ul> <li>contrary to regulations</li> <li>r. 110(2) Abattoir operator failing to comply with direction of inspector</li> <li>r. 116(2) Export depot operator failing to comply with direction of inspector</li> <li>r. 128 Moving sheep or goat from farming property contrary to regulations</li> </ul>	500
<ul> <li>inspector</li> <li>r. 116(2) Export depot operator failing to comply with direction of inspector</li> <li>r. 128 Moving sheep or goat from farming property contrary to regulations</li> </ul>	500
r. 128 Moving sheep or goat from farming property contrary to regulations	500
to regulations	500
r. 129A(1) Moving pig less than 25 kg from farming property	500
contrary to regulations	<u>500</u>
<u>r. 129A(2)</u> Moving pig 25 kg or more from farming property contrary to regulations	<u>500</u>
r. 135(2) Failing to give information to saleyard operator as requested	500
r. 143(2) Holding yard operator failing to comply with direction given by inspector	500
r. 148(2) Saleyard operator failing to apply NLIS post breeder tag to animal	500
r. 149(2) Saleyard operator failing to comply with direction given by inspector	500
r. 150 Saleyard operator failing to apply NLIS post breeder tag to animal born at saleyard	500
r. 152(1) Saleyard operator failing to record movement of consignment of sheep or goatsanimals to or from saleyard	500
r. 154(2) Abattoir operator failing to comply with direction given by inspector	500
r. 161(2) Export depot operator failing to comply with direction given by inspector	500

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Prescribed offences and modified penalties Schedule 1 Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013

Offences under Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013		
r. 165(1)	Owner of deer (other than imported deer or deer from pound) failing to identify it in accordance with regulations	200
r. 165(2)	Owner of imported deer failing to identify it in accordance with regulations	200
r. 165(3)	Owner of deer from pound failing to identify it in accordance with regulations	200
r. 170(1)	Owner of horse (other than imported horse or horse from pound)donkey kept on property in south-west of State failing to identify it in accordance with regulations	200
r. 170( <u><del>3</del>2</u> )	Owner of <u>imported</u> horse <u>or donkey kept on property</u> <u>not in south-west of State</u> failing to identify it in accordance with regulations	200
r. 170(4 <u>3</u> )	Owner of <u>imported</u> horse <u>from poundor donkey</u> failing to identify it in accordance with regulations	200
r. <u>178(1170(</u> <u>4</u> )	Owner of pighorse or donkey from pound failing to identify it in accordance with regulations	<u>500200</u>
r. 181(1)	Owner of South American camelid (other than imported South American camelid or South American camelid from pound) failing to identify it in	
r. 181(2)	accordance with regulations Owner of imported South American camelid failing to	200
1. 101(2)	identify it in accordance with regulations	200
r. 181(3)	Owner of South American camelid from pound failing to identify it in accordance with regulations	200
r. 189	Causing or permitting animal to be moved from property or land without giving carrier a waybill	500
r. 190(5)	Failing to retain copy of waybill or other transport document for specified time	200
r. 192(1)	Purchaser failing to give carrier copies of waybill in certain circumstances	500

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Schedule 1	Prescribed offences and modified penalties
Division 5	Biosecurity and Agriculture Management (Quality Assurance
	and Accreditation) Regulations 2013

Offences under Biosecurity and Agriculture Management (Identification and Movement of Stock and Apiaries) Regulations 2013		
r. 192(2)	Carrier failing to attach waybill from purchaser to other waybill	200
r. 196(9)	Failing to comply with direction to give to inspector movement permit or copy	500
r. 199(1)	Possessing or controlling animal being moved without transport document	500
r. 200(3)	Carrier failing to retain copy of transport document for specified time	200
r. 201(3)	Property operator failing to retain copy of transport document for specified time	200
r. 202	Beekeeper failing to identify hives with registered identifier	200
r. 207	Possessing unidentified hive	200
r. 208(1)	Beekeeper failing to display notice	200
r. 209(3)	Beekeeper failing to retain record of establishment, or removal, of apiary	200
r. 210(2)	Beekeeper failing to retain recording confirming registration of other person	200

### Division 5 — Biosecurity and Agriculture Management (Quality Assurance and Accreditation) Regulations 2013

Offences (Quality 2	Modified penalty \$	
r. 15(3)	Failing to return accreditation document	100
r. 17	Contravening accreditation condition	200
r. 18(1)	Giving assurance certificate without authority	400

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### Schedule 2 — Forms

[r. 4]

Form 1 — Infringement notice (section 126)

Biosecur	<i>ity and Agricul</i> Act 2007 sect	ement	Infringement notice no.			
INFRINGEMENT NOTICE						
Alleged offender	Name					
	Address					
Details of alleged	Date or period					
offence	Place					
	Written law contravened					
	Details of offence					
Date	Date of notice					
Inspector	Name Signature					
Modified penalty	\$	1				
Penalty	Individual	\$		ot have to pay this This is the maximum		
	Body corporate	\$	fine that c are prosec	can be imposed if you cuted in a court and of this offence.		

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TAKE	It is alleged that you have committed the above offence.						
NOTICE	If you do not want to be prosecuted in court for the offence, pay the modified penalty to the Director General within 28 days after the date of this notice.						
	you may be taken und <i>Enforcema</i> following may be su or cancell your vehic	<b>u do not pay</b> the modified penalty within 28 days, may be prosecuted or enforcement action may be a under the <i>Fines, Penalties and Infringement Notices</i> <i>rcement Act 1994.</i> Under that Act, some or all of the wing action may be taken — your driver's licence be suspended; your vehicle licence may be suspended ncelled; your details may be published on a website; vehicle may be immobilised or have its number s removed; and your property may be seized and					
	<b>If you need more time</b> to pay the modified penalty, you should contact the Director General at the address below.						
	Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.						
	If you want this matter to be dealt with by prosecution in court, sign and date here:						
	/ /20						
	and post this notice to the Director General at the address below within 28 days after the date of this notice.						
	notice wit the address and setting notice sho not later th	nsider that you have good reason to have this ithdrawn, you can write to the Director General at ess below requesting that this notice be withdrawn ng out the reasons why you consider that this ould be withdrawn. Your letter must be received than 28 days after the date of this notice.					
How to pay		Tick the relevant box below and post this notice to:					
		[Insert address]					

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Method of service				Date of service	
In person		Pay the cashier at: [Insert address]			
		Amount \$ Signature Complete all details			
		Expiry date of card/			
		Card number			
		Card type Cardholder name			
		٥	I want to pay credit card. P account.		ed penalty by my credit card
			Director Gen	money orde eral, Depar nd Food) fo	er (payable to the

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WI	and Agriculture Act 2007 section THDRAWA NGEMENT	127 L OF	Withdrawal no.		
Alleged offender	Name				
	Address				
Details of infringement notice	Infringement notice no.				
notice	Date of issue				
Details of	Date or period				
alleged offence	Place				
	Written law contravened				
	Details of offence				
Signature of Director	Name				
General or delegate	Signature				
Date	Date of withdrawal				

### Form 2 — Withdrawal of infringement (section 127)

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Withdrawal of infringement notice [*Delete whichever is not applicable]	The above infringement notice issued against you for the above alleged offence has been withdrawn. If you have already paid the modified penalty for the alleged offence, you are entitled to a refund. *Your refund is enclosed or *If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to: [Insert address]
Your signature	Date

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### Notes

This is a compilation of the *Biosecurity and Agriculture Management* (*Infringement Notices*) *Regulations 2013* and includes the amendments made by the other written laws referred to in the following table.

### **Compilation table**

Citation	Gazettal	Commencement
Biosecurity and Agriculture Management (Infringement Notices) Regulations 2013	24 Sep 2013 p. 4417-35	r. 1 and 2: 24 Sep 2013 (see r. 2(a)); Regulations other than r. 1 and 2: 25 Sep 2013 (see r. 2(b))
Biosecurity and Agriculture Management (Infringement Notices) Amendment Regulations 2015	16 Jun 2015 p. 2072	r. 1 and 2: 16 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 17 Jun 2015 (see r. 2(b))
Biosecurity and Agriculture Management Regulations Amendment Regulations (No. 2) 2019 Pt. 3	<u>27 Jun 2019</u> <u>p. 2407-54</u>	28 Jun 2019 (see r. 2(b))

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