



# COMPLAINTS MANAGEMENT POLICY

## DOCUMENT CONTROL

<b>Managed by:</b>	Community and Strategic Development
<b>Status:</b>	Approved
<b>Responsible position:</b>	Manager Place Services
<b>Contact number:</b>	0351539500
<b>Date approved:</b>	3 July 2018
<b>Version:</b>	1
<b>File number:</b>	7655820
<b>Approved by:</b>	Council
<b>Next review date:</b>	July 2020
<b>Security classification:</b>	Public

## CONTENTS

<b>1.</b>	<b>INTRODUCTION.....</b>	<b>3</b>
<b>2.</b>	<b>PURPOSE .....</b>	<b>3</b>
<b>3.</b>	<b>SCOPE OF POLICY .....</b>	<b>3</b>
<b>4.</b>	<b>DEFINITION AND ABBREVIATION .....</b>	<b>4</b>
<b>5.</b>	<b>COMPLAINTS MANAGEMENT POLICY FRAMEWORK .....</b>	<b>5</b>
<b>5.1</b>	<b>Enabling Complaints.....</b>	<b>5</b>
	5.1.1 How to lodge a complaint .....	6
	5.1.2 Anonymous complaints.....	6
	5.1.3 Accessibility and inclusion .....	6
	5.1.4 Compliments .....	7
<b>5.2</b>	<b>Responding to complaints.....</b>	<b>7</b>
	5.2.1 Response and resolution timeframes.....	7
	5.2.2 Unreasonable Complainant Conduct .....	8
	5.2.3 Restrictions or limitations in cases of UCC .....	8
<b>5.3</b>	<b>Learning and improvement.....</b>	<b>9</b>
<b>6.</b>	<b>RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE.....</b>	<b>9</b>
<b>7.</b>	<b>REFERENCES/ASSOCIATED DOCUMENTS .....</b>	<b>10</b>
<b>8.</b>	<b>PRIVACY AND HUMAN RIGHTS CONSIDERATION.....</b>	<b>11</b>
<b>9.</b>	<b>COUNCIL CONTACT DETAILS .....</b>	<b>11</b>
<b>10.</b>	<b>EXTERNAL AGENCIES CONTACT DETAILS: .....</b>	<b>12</b>

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### REVISION HISTORY *(Completed by Governance Officer)*

<b>Revision Ref. No.</b>	<b>Approved/ Amended/ Rescinded</b>	<b>Date</b>	<b>Council / Management</b>	<b>ECM Document Reference</b>
1	Approved	3/7/2018	Council	7655820

## 1. INTRODUCTION

Customers play an important role in reporting issues, damages and in notifying Council of services that need attention and help us meet our customer service expectations. Council Staff play an equally important role in ensuring that the way that we manage customer interactions meets a high standard and that allow customers to understand the role that Council has in the community.

Council is committed to working in partnership with the community to deliver excellent service through dedication, innovation and continuous improvement.

## 2. PURPOSE

The purpose of this policy is to establish a framework that supports how Council will respond to complaints within the limits of Council resources while ensuring consistent, efficient and effective management of complaints. This policy will ensure that in responding to and investigating complaints the individual's undeniable human rights are considered and upheld.

## 3. SCOPE OF POLICY

This policy applies to all members of the public who wish to make a complaint with regards to Council's services and performance and policies. This Policy also applies to all Councillors, Council staff, contractors and volunteers and all external stakeholders who provide a service for the East Gippsland Shire Council. This policy is available for public viewing at all Service Centres and Outreach Centres, and can be accessed online at [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)

Some complaints about decisions and processes that are governed by specific statutory and regulatory processes and other matters listed below fall outside the scope of this policy. Where this is the case, the complainant will be referred to the appropriate process or authority. Matters that are *not* defined as a complaint for the purposes of this policy include:

- Routine requests for service/maintenance/information, reporting of incidents, requests for information about service delivery, dissatisfaction with a Council decision, and matters where there is already a right of appeal or legal remedy.
- Matters which do not fall under the jurisdiction of Council, for example a complaint/ request for road maintenance on a VicRoads controlled road/highway. In such instances, the customer shall be notified and provided with agency details (if known) for them to pursue their complaint with the correct agency.
- Complaints regarding a Councillor – these should be made in writing and addressed to the Mayor.
- Complaints regarding the Mayor – should be made in writing and addressed to the Chief Executive Officer.
- Complaints regarding the Chief Executive Officer – should be made in writing and addressed to the Mayor.
- Privacy and health records
- Freedom of Information
- Protected disclosures
- Local Laws
- Decisions made under legislation that provides for separate avenues of appeal (e.g. decisions made under the *Building Act*, *Planning and Environment Act*, *Infringement Act*, *Valuation Land Act*, *Country Fire Authority Act*)
- Decisions made at Council Meetings
- Reporting hazards
- Feedback (defined for the purpose of this policy)

#### 4. DEFINITION AND ABBREVIATION

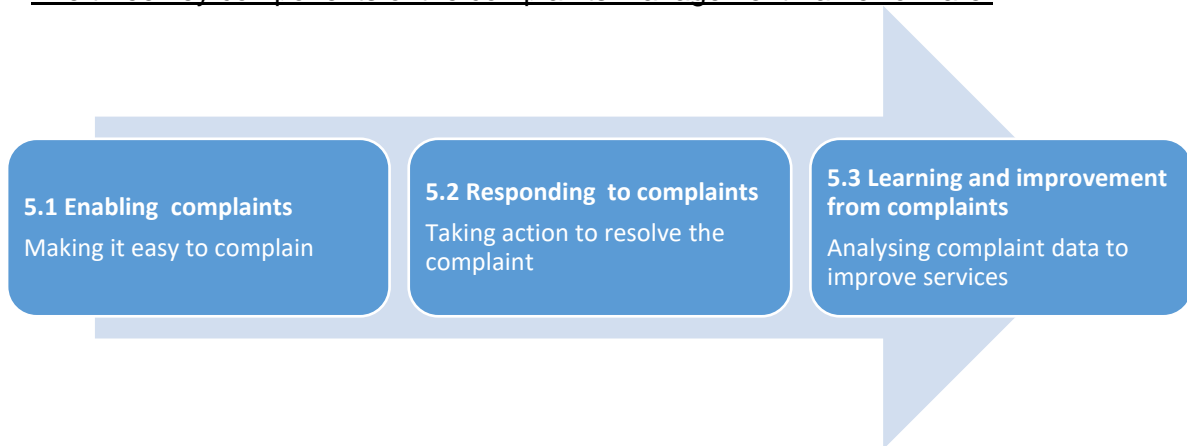
Term	Meaning
Action Officer	Anyone allocated with the responsibility to complete a task or respond to a complaint.
Verbal Contact	In person, real-time interaction such as over the counter or by phone.
Written Correspondence	Not in person, delayed or relayed interaction such as email, Australia Post mail, electronic or web-based engagement and social media.
Request for Service	Includes but not limited to a request to Council for; service, enquiry, information, update or action in the first instance.
Complaint	According to the Local Government Bill 2017 a complaint: "includes the communication, whether orally or in writing, to the Council by a person of their dissatisfaction with— (a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or (b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service;" A complaint should explain or describe where Council has failed to respond appropriately to a Request for Service or not followed relevant policies. A complaint does not include a Request for Service.
Compliment	A compliment is an expression of appreciation, praise, commendation or admiration
Date of Receipt	Is the time and day when contact and/or correspondence is received by Council. It is defined by a date stamp applied; and it is registered in Council's CRM and/or EDRMS.
Decision	According to the Local Government Bill 2017 a decision "does not include a policy or decision made by the Council or a member of Council staff or a contractor engaged by the Council that is otherwise subject to statutory review."
Council	East Gippsland Shire Council
Feedback	Opinions, comments, expressions of interest or concern, made directly or indirectly to or about Council services, performance or staff and where a response is not explicitly or implicitly expected or legally required.
Council Response	Communication by Council staff to the customer.
Internal Ombudsman	Director Corporate, a member of Council's Executive Group, holds the office of Internal Ombudsman.
Task	Action required in responding and/or resolving a customer contact or correspondence within a defined period of time.
CRM	Customer Request Module
EDRMS	Electronic Data and Records Management System
Unreasonable Complainant Conduct (UCC)	Refers to any behaviour by a complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the organisation, staff, other service users and includes the complainant themselves.
CEO	Chief Executive Officer
Vexatious	Causing or tending to cause annoyance, frustration or worry.
Frivolous	Not having a serious purpose or value
Malicious	Characterised by Malice; intending or intended to do harm

## 5. COMPLAINTS MANAGEMENT POLICY FRAMEWORK

- Council is committed to achieving best practice in delivering services to the community. In order to achieve this, council needs to ensure that any complaints received are dealt with courteously, investigated thoroughly, and resolved quickly and appropriately.
- Complaints are a valuable resource for Council. Complaints are a feedback mechanism, providing customer insights that can be used to improve business processes, systems and services. Complaints will also identify and inform staff development opportunities and ensure that training programs are relevant and targeted. As such, it is imperative that complaints are documented and reported on appropriately.
- The framework will facilitate a consistent, fair and equitable resolution to customer complaints made to Council in the most efficient, timely and professional manner.
- The framework is based on the 7 principles of effective complaints management.
  - Commitment
  - Accessibility
  - Transparency
  - Objectivity and fairness
  - Confidentiality
  - Accountability
  - Continuous improvement

*(Adapted from the Australian standard: Customer satisfaction – Guidelines for complaints management in organisations (ISO 1002:2006, MOD)*

- The three key components of the complaints management framework are:



### 5.1 Enabling Complaints

A person who wishes to lodge a complaint to Council will be;

- provided with information about our complaint management policy and procedure
- provided with accessible ways to make a complaint
- listened to and treated with respect by staff
- provided with timely updates, timeframes and reasons for our decisions and any options for escalation or review.

### 5.1.1 How to lodge a complaint

A person can lodge a complaint in a number of ways.

**Mail:** East Gippsland Shire Council  
PO Box 1618, Bairnsdale Victoria 3875

**Telephone:** 0351539500 / 1300555886

**Email:** [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

**Website:** <http://www.eastgippsland.vic.gov.au>

**Fax:** (03) 5153 9576

#### In person at:

Bairnsdale Customer Service Centre	24 Service Street, Bairnsdale Victoria 3875
Business Centre	34 Pyke Street, Bairnsdale, Victoria 3875
Corporate Centre	273 Main Street, Bairnsdale, Victoria 3875
Lakes Entrance Service Centre	18 Mechanics Street, Lakes Entrance
Orbost Service Centre	1 Ruskin Street, Orbost
Omeo Service Centre	179 Day Avenue, Omeo
Paynesville Service Centre	55 The Esplanade, Paynesville
Mallacoota Service Centre	70 Maurice Avenue Mallacoota.
Buchan Outreach Centre	6 Davies Street, Buchan
Cann River Outreach Centre	11 Genoa Street, Cann River
Bendoc Outreach Centre	18 Dowling Street, Bendoc

**National Relay Service:** 133 677

**Translating and Interpreting Service:** 131 450 (within Australia)  
+613 9268 8332 (outside Australia)

It is council's preference that complaints made to council in writing are addressed to CEO or emailed to [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au) so it can be promptly directed to relevant departments for investigation and resolution. Details are provided under Contact Details section of this policy.

In situations where complaints are made directly to Councillors rather than Council officers, the Councillor is required to forward the complaint to the Chief Executive Officer to be dealt with in accordance with this policy and related procedures.

### 5.1.2 Anonymous complaints

Where appropriate, council will record anonymous complaints and act on them where the matter is of a serious nature or where there is sufficient information provided at the time the complaint is lodged. For issues related to council's assets and services an inspection and/or investigation will be carried out. For other issues, further investigation will be undertaken at the discretion of the responsible officer or manager where sufficient information has been provided.

### 5.1.3 Accessibility and inclusion

If a person prefers or needs another person or organisation to assist or represent them in making and or the resolution of their complaint, in these instances, Council will facilitate communication with the nominated representative as long as we have written record of the nomination on file.

Anyone may represent the person wishing to make a complaint with their consent (e.g. advocate, family member, legal or community representative, member of Parliament another organisation).

### 5.1.4 Compliments

A compliment is an expression of appreciation, praise, commendation or admiration.

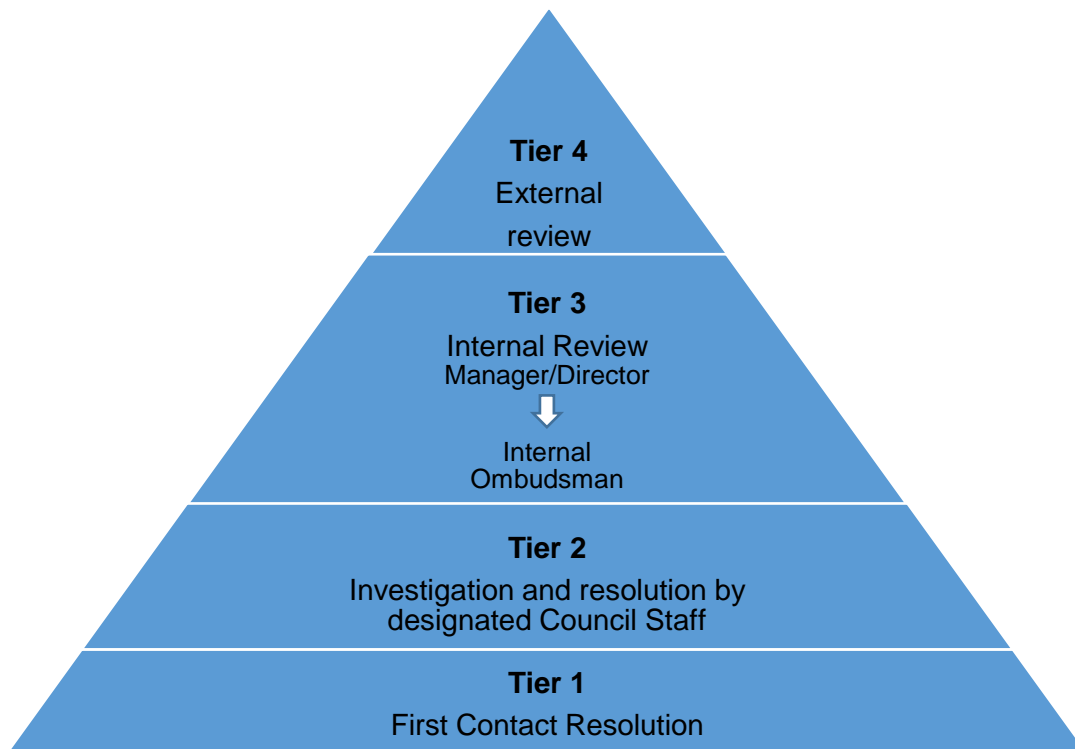
Compliments provide Council with:

- valuable indicators of the effectiveness of a service
- useful insights about the aspects of service that are most meaningful to people
- examples of good practice which can be shared throughout the department
- an opportunity to recognise the efforts of staff and boost morale.

Staff should acknowledge compliments and thank customers for their interest and feedback. Customer should be informed and assured that it will be passed on to the relevant staff members or departments where possible.

## 5.2 Responding to complaints

Council has a 4-tier approach in responding to complaints as best practice.



**Vexatious Complaints:** All complaints received by Council will be treated with the utmost seriousness. However, if a complaint is found to be malicious, frivolous or generated purely to cause annoyance, no further action will be taken on the complaint. The customer will be informed of this decision in writing by the CEO.

### 5.2.1 Response and resolution timeframes

#### Verbal Contacts: in person, over the phone

In instances where the Customer Service staff are unable to resolve the complaint at the first point of contact, they will refer the matter to the appropriate Action Officer. The Action Officers will attempt to respond to unresolved verbal requests before the end of **two business days**.

#### Written Complaints: via Email, letter, website

An appropriate response to the complaint will be provided to the complainant within **10 business days** of receipt. This can be either an interim response (advising customer of current status and timelines for progress or delay) or a substantive response (advising final decision, resolution, completion or fulfilment). All attempts must be made to respond and/or resolve the matter within the **10 business days**.

Where a response is required to a complaint received as either verbal or written is requested in relation to a complex or sensitive matter, the Action Officer may take up to **30 business days** to resolve the matter, but the customer must be responded to within 10 business days.

#### When is a complaint finalised?

A complaint is considered to be resolved and/or finalised when the Action Officer has:

- Resolved the complaint from the customer at the first point of contact, the Action Officer has been tasked and the customer has been advised of the outcome.
- Responded to the customer and has taken the requested action;
- The relevant records and documentations are maintained with a self-explanatory note detailing what action has been taken in response to the complaint;
- The relevant information and/or decisions have been communicated to the customer irrespective of any delay, outcome or change within the response timeframes; and
- The customer has been advised of the outcome and any further actions as a result of the complaint.

Where a person making the complaint is dissatisfied with the outcome or the review of their complaint, they may at any stage seek an external review of the outcome through one of the external agencies listed at section 10.

#### **5.2.2 Unreasonable Complainant Conduct**

Council is committed to being accessible and responsive to all people who provide feedback or make complaints. At the same time, Council's success depends on:

- the ability to do its work and perform functions in the most effective and efficient way possible,
- the health, safety and security of all staff,
- the ability to allocate resources fairly across all the complaints it receives.

When people behave unreasonably in their dealings with Council, their conduct can significantly affect the progress and efficiency of Council's work. As a result, Council will take proactive and decisive action to manage any conduct that negatively and unreasonably affects Council staff, and will support all staff to do the same in accordance with this Policy.

Unreasonable Complainant Conduct (UCC) is any behaviour by a complainant which, because of its nature or frequency raises substantial health, safety, resource or equity issues for the organisation, staff, other service users and includes the complainant themselves.

#### **5.2.3 Restrictions or limitations in cases of UCC**

Council may consider limiting or adapting the ways it interacts with and/or delivers services to complainants by placing restrictions around their interactions with Council staff. These restrictions



must comply with Councils legal obligations under the Charter of Human Rights and Responsibilities and the Equal Opportunity Act.

### 5.3 Learning and improvement

Where Council has found that an error has been made, we will take steps to redress the situation. Possible remedies include, but are not limited to:

- An explanation of why the error occurred and steps taken to prevent it from being repeated.
- A reversal of a decision
- A change to policy, procedure or practice
- Providing the means of redress requested by the complainant.

Where we identify an error, we will offer a genuine apology to the complainant, in addition to any other remedies offered, irrespective of whether the complainant specifically requests this as a proactive measure.

## 6. RESPONSIBILITY FOR IMPLEMENTATION AND COMPLIANCE

- As a customer focused organisation, it is the responsibility of all Councillors, Council staff and external stakeholders but not limited to Contractors to actively attempt to resolve complaints in a fair and efficient manner.
- The following table outlines key responsibilities and roles for implementation, compliance and monitoring of this policy:

Role	Responsibility
Customer	Customers have a responsibility to display an appropriate level of courtesy and respect to Council staff.
Executive Group	Ensure Appropriate governance and compliance to the policy across council.
First point of contact staff e.g. Customer Service Officers,	Ensure complaints are acknowledged, recorded and either resolved at first point of contact and/or tasked to the appropriate action officer.
Managers / Supervisors	Ensure appropriate staffing levels, training and systems are allocated to manage complaints within the timeframes documented in the Policy and Procedure. Ensure compliance with the Policy and Procedure by all staff members under their supervision and appropriate investigations and considerations have been conducted to resolved the complaint.
Information Communications and Technology Unit	Ensure support is provided timely to mitigate, eliminate any system related issues causing delay.
Information Management Unit	Ensure timely registration of written correspondence, and task to the appropriate action officer received by mail/post or sent to <a href="mailto:feedback@egipps.vic.gov.au">feedback@egipps.vic.gov.au</a> .
Action Officer	Ensure that appropriate acknowledgement, records, responses, investigation and consideration has been completed in order to resolve the complaint. Ensure that the customer is provided timely updates of any delays to the response timeframes.
Organisational Development Unit	Build the capacity of the organisation to effectively manage complaints by providing ongoing training in customer service, complaints management and conflict management.
Manager Place Services	Guide Council staff in dealing with UCC and managing complaints involving human rights as required by Managers, Executive Group or the Internal Ombudsman
Council Staff	All Staff are responsible for information management and customer service, ensuring they understand and comply with the Complaints Management Policy and Procedure.

## 7. REFERENCES/ASSOCIATED DOCUMENTS

### **Council Plan 2017-21:**

This policy relates to the following strategic objective contained within the Council Plan 2017-21.

**Responsive Services** - We are leading local government service provider. Our services are driven by the needs of our communities, residents and visitors. We put customers first and give each customer a great experience of Council's Services.

- *East Gippsland Shire Council is a leading local government service provider*
- *We put customer first and give each customer a great experience of Council's services*

**Good Governance** – East Gippsland Shire Council is inclusive, engaged and open. We provide leadership on issues affecting East Gippsland. Our relationships with other levels of government and partners deliver great outcomes for East Gippsland

- East Gippsland Shire Council is inclusive, engaged and open

### **Relevant Legislation:**

- *Charter of Human Rights and Responsibilities Act 2006*
- *Equal Opportunity Act 2010*
- *Freedom of Information Act 1982*
- *Information Privacy Act 2000*
- *Local Government Act 1989*
- *Protected Disclosure Act 2012*

### **Related Policies and documents (internal):**

- Customer Response Policy
- Information Privacy Policy
- Access to Information (Corporate Records) Policy
- Information Management (Records) Policy
- Media Relations Policy
- Protected Disclosure Policy
- Staff Code of Conduct
- Councillor Code of Conduct
- Engagement Policy
- Customer Response Procedure
- Complaints Management Procedure
- Unacceptable Behaviour by Member of Public Procedure

### **Related documents and references (external):**

- The Australian standard: Customer satisfaction – Guidelines for complaints management in organisations (ISO 1002:2006, MOD)
- Complaints: Good Practice Guide for Public Sector Agencies- September 2016 – Victorian Ombudsman
- Good Practice Guide Managing Complaints involving Human Rights – May 2017 – Victorian Ombudsman
- Managing Unreasonable Complainant Conduct Practice Manual – 2<sup>nd</sup> edition August 2012 – NSW Ombudsman

## 8. PRIVACY AND HUMAN RIGHTS CONSIDERATION

All personal information collected by East Gippsland Shire in connection with a request/complaint will be handled in accordance with all applicable privacy legislation and will be used only for the purpose of investigating the request/complaint.

When gathering information to respond to a complaint, Council will only:

- use it to deal with the complaint or to address systemic issues arising from the complaint
- disclose it in a de-identified format when disclosing data to the public
- share it with Council officers on a need to know basis

The Complaints policy has been assessed as compliant with the obligations and objectives of the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Council is committed to protecting and promoting the human rights of all people involved in complaints, and to ensuring that proper consideration of relevant human rights issues occurs throughout the complaints handling and management process. Council is also committed to minimising any undue limitations of those human rights.

Managers must ensure, when dealing with complaints, that all related discussion or actions comply with the basic minimum standards set out in the Charter of Human Rights and Responsibility. All key staff involved in complaint handling are responsible for ensuring that they can demonstrate proper consideration of relevant rights and that they have turned their mind to the impacts of their actions on those rights and justify any interference.

## 9. COUNCIL CONTACT DETAILS

- Telephone: (03) 5153 9500  
1300 555 886 (local residents cost of local call)  
(03) 5153 9531 (TTY)
- Mail: East Gippsland Shire, PO Box 1618, Bairnsdale, Vic. 3875
- Fax: (03) 5153 9576
- In Person: Bairnsdale Customer Service Centre, 24 Service Street, Bairnsdale  
Business Centre, 34 Pyke Street, Bairnsdale  
Corporate Centre, 273 Main Street, Bairnsdale  
Lakes Entrance Service Centre, 18 Mechanics Street, Lakes Entrance  
Orbost Service Centre, 1 Ruskin Street, Orbost  
Omeo Service Centre, 179 Day Avenue, Omeo  
Paynesville Service Centre, 55 The Esplanade, Paynesville  
Mallacoota Service Centre, 70 Maurice Avenue Mallacoota.  
Buchan Outreach Centre, 6 Davies Street, Buchan  
Cann River Outreach Centre, 11 Genoa Street, Cann River  
Bendoc Outreach Centre, 18 Dowling Street, Bendoc
- Email: [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)
- Internet: [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au) via 'Report an Issue' tab on the home page.
- National Relay Service: 133 677
- Translating and Interpreting Service: 131 450 (within Australia)  
+613 9268 8332 (outside Australia)

## 10. EXTERNAL AGENCIES CONTACT DETAILS:

### ➤ **Victorian Local Government Inspectorate**

The Inspectorate accepts complaints about council operations and potential breaches of the Local Government Act, including:

- Misuse of position
- Conflict of interest
- Disclosure of confidential information
- Electoral offences

Website: [www.vic.gov.au/lgici](http://www.vic.gov.au/lgici)

Complaints hotline: 1800 469 359

Phone: 03 7017 8212

### ➤ **Victorian Ombudsman**

The Ombudsman can take complaints about the actions and decisions of councils, including complaints about:

- Services
- Communication
- Complaint handing
- Compliance with policies, procedures or law
- Other actions or decisions which may be unreasonable

Website: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

Phone: 03 9613 6222

Regional: 1800 806 314

### ➤ **Environment Protection Authority Victoria (EPA)**

EPA sets and enforces standards regulating permissible levels of emission, discharge and deposit to the environment. The following provides examples of the types of emission, discharge or deposit that breach the law and that EPA will investigate:

- Land, water, atmosphere or noise pollution
- Climate
- Odours
- Tastes and aesthetics.

Website: [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

Phone: 1300 372 842

### ➤ **Victorian Electoral Commission**

If you have a complaint or query about how your local council elections are run, the Returning Officer appointed by the Victorian Electoral Commission (VEC) to run the election is the best starting point.

Website: [www.vec.vic.gov.au](http://www.vec.vic.gov.au)

General enquiries: 131 832

### ➤ **Victorian Civil and Administrative Tribunal (VCAT)**

VCAT is a tribunal that hears and decides civil and administrative legal cases in the State of Victoria, Australia.

Website: [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au)

Phone: 1300 018 228

### ➤ **Victorian Auditor-General Office (VAGO)**

The Auditor-General is an independent officer of the Victorian Parliament, VAGO audits examine:

- The effectiveness, efficiency, and economy of government agencies, programs and services
- The quality of resources management
- The fair presentation of annual financial statements and performance statements
- Compliance with legislative and other requirements

- Wastage or lack of probity in the management of public resources.

Website: [www.audit.vic.gov.au](http://www.audit.vic.gov.au)

Phone: 03 8601 7000

➤ **Victorian Independent Broad-based Anti-Corruption Commission**

IBAC accepts complaints about suspected corruption and misconduct in the public sector and Victoria Police, including:

- Taking or offering bribes
- Using a position of influence dishonestly
- Committing fraud or theft
- Misusing information from the work place.

Website [www.ibac.vic.gov.au](http://www.ibac.vic.gov.au)

Phone: 1300 735 135

➤ **Office of the Victorian Information Commissioner**

For complaints about privacy and data protection, contact the Office of the Victorian Information Commissioner.

Website: [www.cpdv.vic.gov.au](http://www.cpdv.vic.gov.au)

Phone: 1300 006 842

➤ **Victorian Equal Opportunity and Human Rights Commission**

The Commission resolves complaints of discrimination, sexual harassment and racial and religious vilification by providing a free and confidential dispute resolution service.

Website: [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)

Phone: 1300 292 153

➤ **Australian Human Rights Commission**

The Commission works closely with other national human rights institutions, particularly through the Asia Pacific Forum of National Human Rights Institutions, to address major human rights issues in the region.

Website: [www.humanrights.gov.au](http://www.humanrights.gov.au)

Phone: (02) 9284 9600

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