

# Ethical Behaviour

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## Contents

Introduction.....	2
General Guiding Principles .....	3
Resolving Problems/Issues.....	4
Additional Processes.....	5
Protection of Parties to a Complaint .....	5
Confidentiality.....	6
Support Persons .....	7
Relevant Links.....	7
Version Control .....	7
Appendix 1 - Definitions .....	8
Appendix 2 – Breaches of General Principles .....	9
Appendix 3 – Formal Complaints .....	12

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### Policy Owner and Approval

- The Owner of this policy is the Human Resources Manager.
  - This Policy has been approved by the Chief Executive.
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### Review Date

October 2013

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### Effective Date

30 April 2012

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## Introduction

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**Purpose** This policy clarifies the standards of professional behaviour expected of all personnel employed or engaged by Southern Response Earthquake Services Limited (“Southern Response” or the “Company”).

These standards enable Southern Response to build and maintain the trust and confidence of all stakeholders including employees, customers, communities.

The State Services Commission’s Standards of Integrity and Conduct should be read in conjunction with this policy.

**Scope** This policy applies to all employees and other personnel providing services to Southern Response (e.g. independent contractors), together defined as “Southern Response Personnel”.

This policy does not contain a detailed policy of appropriate behaviour in every situation. Instead, it reflects general guiding principles. This policy also sets out the procedures for Human Resources, Managers and Southern Response personnel where there is a breach of this policy.

Unethical behaviour and conduct inconsistent with this Policy may be considered a disciplinary matter by Southern Response and may result in disciplinary action.

Certain aspects of this policy only apply to Southern Response employees.

Contractors should refer to their contracts for further terms.

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**Definitions** Definitions relating to this Policy may be found at Appendix 1.

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**Our Strategic Objectives** “To operate efficient, cost-effective, consistent and fair claims management and rebuild processes in accordance with the company’s insurance policy obligations, and consistent with preserving its rights under reinsurance treaties.”

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**Governance Relationships** Southern Response is a Crown entity and must conduct its business in an open, transparent, and democratically accountable manner. There is a high expectation of professional behaviour and accountability, both in the eyes of the law and the public.

The relationship between the Government, Board and management of the organisation needs to be effective and understood by all Southern Response Personnel.

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### General Guiding Principles

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#### Core Values and Purpose

The Chief Executive, Managers and Southern Response personnel are guided in their work practices, behaviour and conduct by the Company's purpose and core values.

These core values define our accepted standards and behaviours and define us as an organisation, the way we work together, and with our customers, our Board, staff, partners, contractors, communities and stakeholders.

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#### Our Core Values Define Us

Our core values are:

- Respect – we treat all our stakeholders with care, consideration, fairness and equity;
  - Integrity – we demonstrate honesty, transparency, fairness, and objectivity in all our interactions;
  - Honour our promises – we stand by and deliver on all entitlements, rights and commitments AMI has made to policyholders;
  - Ownership – we hold ourselves accountable for our actions, take ownership, and deliver on our promises;
  - Passion – we strive, stand up for our customers' rights, and go the extra distance. We want to make a positive difference to people's lives as part of our contribution to the rebuild of Canterbury;
  - Excellence – we are committed to excellence in everything we do. We are innovative, responsive, adaptive and continually raising the bar. We strive to set the standard against which others will be measured;
  - Recognition – we recognise and celebrate the contributions our people make as individuals and as teams to deliver on our goals;
  - Development - we professionally develop our people to provide challenging and rewarding employment and prospects.
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#### Integrity

Southern Response Personnel will behave with integrity, fairness, impartiality and empathy towards one another, customers and the wider community and they will perform their duties efficiently, professionally and conscientiously.

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#### CEO Responsibility

The Chief Executive Officer holds responsibility for employing, leading, and managing employees and must make sure that responsibilities, duties and powers delegated to them and others in the Company are properly performed and exercised.

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#### Interference

Southern Response Personnel must not unduly interfere with the living or working environment of any other employee while participating in an activity associated with Southern Response.

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#### Discrimination

The services, benefits, opportunities and facilities provided by Southern Response will be offered without discrimination as defined in the policy.

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## Unethical Behaviour

Unethical behaviour includes, but is not limited to, sexual harassment, racial harassment, discrimination, personal harassment and bullying, the abuse of managerial authority and failing to declare or manage a conflict of interest.

This kind of conduct is described further in Appendix 2, Breaches of General Principles.

## Complaint Resolution

Southern Response is committed to ensuring the right to institute or participate in any process under this policy and to resolving any complaint in a timely and confidential manner.

## Resolving Problems/Issues

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### Processes for Action under the Policy

Southern Response Personnel should use the Informal and Formal Processes set out in this Policy where:

- a problem or issue arises, and they wish to resolve it or make a complaint; or
- a problem or issue arises and they have a duty to report it (see below).

### Informal Process

Southern Response supports and encourages the use of informal processes to resolve concerns, wherever that is appropriate.

Where possible, employees should try to address issues between themselves. If that is not possible Southern Response Personnel can raise a matter informally by talking to:

- their manager (or, in the case of contractors, their direct report) /another Manager or senior team member; or
- Human Resources.

Contractors should also try to resolve matters informally, or refer to their direct report.

In appropriate cases, Southern Response will consider using mediation to resolve issues.

### Formal Process

Where informal processes have not resolved a concern or where they are inappropriate employees may make a formal written complaint to the Human Resources Manager. The Formal Complaint process is set out in Appendix 3.

Where appropriate Southern Response may accept complaints from third parties and/or may pursue investigations if it becomes aware of alleged inappropriate behaviour.

Where Southern Response Personnel wish to make a protected disclosure under the Protected Disclosures Act 2000 (see below) they should make a Formal Complaint, following process is set out in Appendix 3.

Contractors should refer to their contract for dispute resolution procedures.

### Duty to Report

Where Southern Response Personnel are aware of or suspect behaviour that may be inconsistent with this Ethical Behaviour policy, they must promptly report the suspected behaviour to:

- their manager (or, in the case of contractors, their direct report) /another Manager or senior team member; or
- Human Resources.

However, if the matter might involve serious wrongdoing, or if raising the matter informally does not resolve the issue, Southern Response Personnel should make a Formal Complaint in accordance with Appendix 3.

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### Confidentiality and Support

Southern Response Personnel should not discuss this type of matter with anyone other than the person to whom they have reported the matter.

The parties will discuss ways in which concerns raised can be resolved.

Southern Response will support those involved in this process. The Employee Assistance Programme is also available to employees who make or are subject to a complaint.

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### Procedural Advice

If Southern Response Personnel are uncertain about the process to follow, they should contact the Human Resources Manager for advice.

Southern Response Personnel should also feel free to use the Employee Assistance Programme.

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## Additional Processes

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### Other Options

Depending on the nature of the issue other options are available, including the following:

- in the case of alleged criminal behaviour, a complaint may be made to the Police.
  - in the case of alleged discrimination, sexual harassment or racial harassment a complaint may be made to the Human Rights Commissioner under the Human Rights Act 2003.
  - In the case of employment-related problems employees may take action under their employment agreement or the Employment Relations Act 2000.
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## Protection of Parties to a Complaint

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### Avoid Hostility

When Southern Response Personnel have either made a complaint or are the subject of a complaint, they must use all reasonable efforts to avoid action which actually or potentially causes disadvantage to or creates a hostile environment for the other person.

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### Safe Working Environment

If Southern Response Personnel fear disadvantage or hostility from other Southern Response Personnel or customers they may:

- request their immediate manager (or, in the case of contractors their direct report) to put in place appropriate arrangements to provide a safe working environment for all parties. If their manager (or direct report) is the person they have complained about, they should make their request to their manager's (or direct report's) immediate manager or the Human Resources Manager; or
  - make a formal complaint about the situation to the Human Resources Manager; and/or
  - use the Employee Assistance Programme.
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### Protected Disclosures Act 2000

This Act applies to disclosure of information by Southern Response Personnel regarding serious wrongdoing.

If a Southern Response Personnel member has information about serious wrongdoing in or by Southern Response and:

- believes on reasonable grounds that the information is true or likely to be true; and
- wishes to disclose such information so that it can be investigated; and
- wishes the disclosure to be protected;

then their disclosure will be a "protected disclosure" under the Act if such disclosure is made in accordance with the Formal Complaint procedure in Appendix 3.

If you make a protected disclosure, information which identifies you will be kept confidential, unless one of the exceptions in the Protected Disclosures Act applies.

A Southern Response Personnel member who makes a protected disclosure in accordance with the Protected Disclosures Act:

- is immune from civil or criminal proceedings;
- is immune from disciplinary proceedings; and
- (in the case of an employee) has grounds for a personal grievance if his or her employer (or ex-employer) takes retaliatory action.

If you would like more information about protected disclosures contact the Human Resources Manager.

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### Confidentiality

### Individual Rights

Subject to the requirements of the investigation or any legal requirements, everyone involved in a formal investigation or informal process has:

- the right to have information they disclose kept confidential.
  - the duty to respect the rights of others to the maintenance of confidence.
  - the right to have any limits of confidentiality explained to them.
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## **Support Persons**

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**Rights** Employees have the right to be accompanied by a support person at any stage of the processes under this policy. Contractors will also be permitted to be accompanied by a support person in most situations.

## **Expired Policy**

### **Relevant Links**

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**Procedures** □ Disciplinary Procedures (under development)

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**Relevant References and Resources**

- Conflicts of Interest Policy
- Security Policy
- Acceptable Use of Information Resources Policy
- Gifts and Koha Policy
- Delegated Authorities Policy
- Cellular Phone Policy
- Confidentiality and Privacy
- Fraud Policy
- External Communications Policy
- Protected Disclosure Policy/Act 2002
- Smoke Free Policy
- Travel Policy
- Motor Vehicle Use Policy
- The State Services Commission's Standards of Integrity and Conduct should be read in conjunction with this Policy

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### **Version Control**

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<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Description</b>
0.1	16.04.12	[REDACTED]	Policy Created
0.2	24.04.12	[REDACTED]	Feedback from Chapman Tripp incorporated.
1.0	14/05/2012	P Rose	Review

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## **Appendix 1 - Definitions**

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<b>A Complaint</b>	Is a request for formal action.
<b>A Manager</b>	Means the appropriate manager of the relevant business unit or Pod, including Team Leaders, Pod Managers and Unit Managers.
<b>Mediation</b>	Refers to the process in which an acceptable third person assists participants with concerns or disagreements to reach a mutually-acceptable solution.
<b>A Party</b>	Is a person or group of people bringing or responding to a formal complaint.
<b>A Person Complained About</b>	Is an individual against whom a formal complaint has been made under this policy.
<b>A Person Complaining</b>	Is an individual or a group of people taking a formal complaint under the policy.
<b>A Representative</b>	Is anybody nominated by a party (e.g. a lawyer or other) who has the delegated authority to speak, discuss, and negotiate on behalf of the party.
<b>A Support Person</b>	Is someone who provides personal support to a person with a concern or in dispute but is not a representative for that person.

## **Appendix 2 – Breaches of General Principles**

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**Standard of Required Behaviour** The General Principles set out the standard of behaviour which is required and cover a wide range of situations.

**Examples of Breaches** Without limiting the application of the general principles, the following are specific categories of non-tolerated behaviours.

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**Sexual Harassment** “Sexual Harassment” has the meaning given to it in section 6 of the Human Rights Act 1993, which defines sexual harassment as:

- the making of a request of any other person for sexual intercourse, sexual contact, or other form of sexual activity which contain an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment; or
  - by the use of language (whether written or spoken) of a sexual nature, or of visual material of a sexual nature, or by physical behaviour of a sexual nature, to subject any other person to behaviour that:
    - is unwelcome or offensive to that person (whether or not that is conveyed to the person complained about); and
    - is either repeated, or of such as significant nature, that it has a detrimental effect on that other person.
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**Racial Harassment** “Racial Harassment” has the meaning given to it in section 63 of the Human Rights Act 1993, which defines, racial harassment as the use of language (whether written or spoken), or visual material, or physical behaviour that:

- expresses hostility against, or brings into contempt or ridicule, any other person on the ground of the colour, race, or ethnic or national origins of that person; and
  - is hurtful or offensive to that other person (whether or not that is conveyed to the person complained about); and
  - is either repeated, or of such a significant nature, that it has a detrimental effect on that person.
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**Discrimination**

“Discrimination” means conduct which;

- results or is likely to result in less favourable treatment, or is likely to create a less favourable environment, for any person or group of people than for another person or group of people in the same or similar circumstances by reason of any of the prohibited grounds set out in section 21 of the Human Rights Act 1993; and
- does not fall within any of the relevant exceptions in Part II of the Human Rights Act 1993.

Discrimination may arise from official statements, actions, omissions, decisions or policies as well as from informal or personal statements or conduct. It may also be indirect, that is, have the effect of treating someone differently even if the discrimination is not explicit.

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### Prohibited Grounds of Discrimination

The prohibited grounds of discrimination, based on section 21 of the Human Rights Act 1993 are listed below;

- sex, including pregnancy and childbirth;
- marital status;
- religious belief;
- ethical belief;
- colour;
- race;
- ethnic or national origins, which includes nationality and citizenship;
- disability;
- age;
- political opinion;
- employment status;
- family status;
- sexual orientation and gender identity.

### Discrimination – Direct and Indirect

Discrimination may arise from official statements, actions, omissions, decisions or policies as well as from informal or personal statements or conduct. It may also be indirect, that is, have the effect of treating someone differently even if the discrimination is not explicit.

### Personal Harassment

“Personal harassment” means any objectionable or offensive behaviour (expressed or implied) by a Southern Response Personnel member in relation to another Southern Response Personnel member, which:

- intimidates, humiliates, undermines or dominates that other person; or
- involves the use of abusive and/or threatening language, verbal or physical threats or any form of physical assault.

Personal harassment may occur as a result of a significant one-time incident or as a result of more minor incidents occurring over a period of time.

### Bullying

Bullying is a form of personal harassment which is especially characterised by persistent and offensive, abusive, intimidating, malicious or insulting behaviour (express or implied) which makes the recipient (s) feel upset, threatened, humiliated or vulnerable, undermines their self-confidence and/or causes them to suffer stress. It may include emotional abuse, isolation, economic abuse, abuse of authority, denying and blaming, coercion and threats that create a risk to an individual's health and safety.

### Abuse of Managerial Authority

“Abuse of managerial authority” means conduct (express or implied), by a Manager in relation to another employee that exceeds the normal authority of a manager and which:

- intimidates, humiliates or undermines that other person by belittling them, or excessively, destructively or inappropriately criticising or reprimanding them, or excessively scrutinising their work; or
- makes demand that are unreasonable or outside that other person's role or activity within Southern Response; or
- makes a demand to perform an action that is in breach of the principles of any policy of Southern Response.

An abuse of managerial authority may occur in situations where a decision on benefits or opportunities of an employment or other nature, has been influenced by considerations which are, or should be, irrelevant to the decision. This is considered to be a conflict of interest and is addressed below.

### Conflicts of Interest

A conflict of interest may arise in a range of situations where a Southern Response Personnel member's personal or financial interests improperly affect or could improperly affect them or another person from carrying out their duties within Southern Response.

A conflict of interest is inherent within the existence of particular relationships, whether staff-staff or staff-customer and is not dependent upon any specific action. In settings where there is a difference in power between people, such as an employee and a customer, the potential for harm is greater and special care needs to be taken to avoid conflicts of interest.

Failure to disclose a conflict of interest, in accordance with this policy, may be considered a disciplinary matter by Southern Response.

### Staff-Staff Relationships

Situations may occur where a Southern Response Personnel member is working with family members or people with whom they develop close personal relationships. The existence of close personal relationships with another Southern Response Personnel member should not constitute a bar to employment, contracting services or promotion. Where such relationships exist between Southern Response Personnel or with prospective employees/contractors, situations where there is the potential to create a conflict of interest, such as in managerial relationships and employment-related decisions may occur. In these circumstances the procedures set out below, must be followed.

### Staff-Customer Relationships

Southern Response Personnel may find themselves in a situation where a family or personal relationship gives rise to a conflict of interest. A family/personal relationship between a Southern Response Personnel member and a customer has the potential for, or could be perceived as, compromising. Should such a relationship arise, Southern Response Personnel must follow the procedures set out below.

### Procedures for Dealing with Conflict of Interest or Potential Conflict of Interest

- Southern Response Personnel must inform their immediate Manager/direct report, verbally and in writing if a conflict of interest arises or where they are uncertain as to whether a particular situation gives rise to a conflict of interest.
- if the person to whom the Southern Response Personnel member normally reports is also potentially involved in the conflict of interest, they must report to that person's manager.
- the person to whom the matter is reported must ensure that processes are put in place to manage or remove the conflict of interest in the best way possible and in a transparent manner, and the Southern Response Personnel member will be an active participant in the process. This includes written documentation of the processes put in place.
- all reasonable steps must be taken to advise those who may be affected by the measures put in place.
- after arrangements have been made to manage or remove a conflict of interest, the Southern Response personnel member's manager is responsible for the ongoing monitoring of the situation to ensure the wellbeing of those involved and to ensure that any measures put in place are not unduly affecting the work of others, where reasonable

### Other Conflicts of Interest

For detail and procedures relating to other conflicts of interest, refer to the Conflicts of Interest Policy.

## **Appendix 3 – Formal Complaints**

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### **Options for a Formal Complaint**

The options available under this Policy are:

- employees may make a formal written complaint to the Human Resources Manager when they choose not to use informal processes or the use of informal processes has failed to resolve the problem;
- where appropriate, Southern Response may accept complaints from third parties and/or may pursue investigations of its own if it becomes aware of alleged inappropriate behaviour.

Contractors should refer to their contract for dispute resolution procedures. If the Contractor makes a written complaint, Southern Response may follow this procedure, with appropriate modifications.

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### **Confidentiality**

Subject to the requirements of the investigation or any legal disclosure requirements, everyone involved in a formal or informal investigation has:

- the right to have information they disclose kept confidential;
- the duty to respect the rights of others to the maintenance of confidence;
- the right to have any limits of confidentiality explained to them.

### **Formal Complaint Process**

When making a formal complaint, employees must sign and date the complaint and ensure it contains the following:

- the name of the person complained about as well as sufficient details outlining the issue complained about;
- the name of any person who may have witnessed the breach of the policy or to whom the complaint was first reported;
- the outcomes which they believe would be appropriate to resolve the matter;
- information on whether any measures are necessary to protect them.

Failure to include information in the formal written compliant does not nullify the complaint (although if the employee does not wish to supply the information, this may prevent the complaint from being taken further). Employees must be available for an interview to clarify the formal written complaint, if considered necessary by the person receiving the complaint.

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### **Time Limits**

There is not a time limit for making a formal complaint, although long delays may inhibit the ability of people to recall facts accurately and may limit the ability of the investigator to reach any conclusions.

If it is considered that every reasonable effort to settle the matter informally has not occurred, then if appropriate, the people involved may be encouraged that this occurs before a formal proceeding commences.

Upon receipt of a formal complaint, or where the Company considers that there might be an issue that needs to be investigated there are two options:

- a preliminary investigation may be carried out to assess ether or not there is a *prima facie* case to be investigated, or
- an investigator may be appointed to investigate the matters raised in the complaint.

An investigator is a person with delegated authority from the Human Resources Manager appointed to investigate a formal complaint.

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### Suspension

In certain circumstances the Human Resources Manager in consultation with the Chief Executive may consider that it is necessary to suspend the person complained about for the duration of the investigation.

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### Respect the Principles of Natural Justice

The investigator of the complaint must respect the principles of natural justice which include the right of the person complained about:

- to be advised of enough details of the formal complaint and the investigation to allow them to make an informed response;
  - to be given an opportunity to provide an explanation and make representations, including having their witnesses heard;
  - to be supported by or represented by the person of their choice; and
  - to have the matter assessed by an impartial person.
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### Investigator's Role

The investigator's role is to investigate the complaint impartially and the investigator is required to:

- provide the person complained about with a letter informing them that the complaint has been received, giving details of the allegation and defining the process of the investigation;
  - receive any comments, either in person or in writing, to that letter;
  - carry out such investigation as is necessary;
  - advise the person complained about of their preliminary views as to those findings and as to the penalty, if any;
  - receive and consider representations on those preliminary views;
  - make and advise the person complained about of the final decisions on the findings and as to the penalty, if any;
  - advise the employee who has complained, in confidence, that the final decision has been made and give appropriate details.
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