

South Australia

Fisheries Management (General) (Bag and Boat Limits) Variation Regulations 2016

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (General) Regulations 2007*

- 4 Variation of regulation 3—Interpretation
 - 5 Insertion of regulation 8B
8B Possession of Pipi in vehicles carrying 3 or more persons
 - 6 Variation of Schedule 2—Undersize fish
 - 7 Variation of Schedule 5—Protected species
 - 8 Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act
 - 9 Variation of Schedule 10—Expiation fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (General) (Bag and Boat Limits) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 December 2016.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Fisheries Management (General) Regulations 2007*

4—Variation of regulation 3—Interpretation

Regulation 3(1), definitions of *Catfish*, *large catfish* and *small Catfish*—delete the definitions

5—Insertion of regulation 8B

After regulation 8A insert:

8B—Possession of Pipi in vehicles carrying 3 or more persons

- (1) If—
 - (a) a motor vehicle (other than a public passenger vehicle) is West of longitude 136° East; and
 - (b) 2 or more persons (excluding the driver) are being carried in the vehicle; and
 - (c) there are more than 300 Pipi in or on the vehicle,the person in charge of the vehicle is guilty of an offence.
Maximum penalty:
 - (a) for a first offence—\$10 000;
 - (b) for a second or subsequent offence—\$20 000.Expiation fee: \$315.
- (2) If—
 - (a) a motor vehicle (other than a public passenger vehicle) is East of longitude 136° East; and
 - (b) 2 or more persons (excluding the driver) are being carried in the vehicle; and
 - (c) there are more than 900 Pipi in or on the vehicle,the person in charge of the vehicle is guilty of an offence.
Maximum penalty:
 - (a) for a first offence—\$10 000;
 - (b) for a second or subsequent offence—\$20 000.Expiation fee: \$315.
- (3) In proceedings for an offence against subregulation (1) or (2), it is a defence if the defendant proves that—
 - (a) the Pipi were taken for a commercial purpose under an authority; or
 - (b) the Pipi were purchased—
 - (i) from a person whose ordinary business was the selling of fish or aquatic resources; and
 - (ii) in the ordinary course of that business; or
 - (c) the Pipi were not taken in contravention of the Act or these regulations.
- (4) For the purposes of this regulation—
 - (a) Pipi will be taken to be in or on a motor vehicle if the Pipi are in or on a trailer being towed by a motor vehicle;

- (b) a person will be taken to be in charge of a motor vehicle if—
- (i) the person is driving, or has just driven, the vehicle;
or
 - (ii) the person is attempting to put the vehicle in motion; or
 - (iii) the person is the registered owner or registered operator of the vehicle and is in, on or near the vehicle.

- (5) In this regulation—

motor vehicle has the same meaning as in the *Motor Vehicles Act 1959*;

Pipi means any molluscs of the genus *Donax*;

public passenger vehicle has the same meaning as in the *Passenger Transport Act 1994*;

registered operator, in relation to a motor vehicle, has the same meaning as in the *Motor Vehicles Act 1959*;

registered owner, in relation to a motor vehicle, has the same meaning as in the *Motor Vehicles Act 1959*.

6—Variation of Schedule 2—Undersize fish

- (1) Schedule 2, clause 11(1)(b)—delete "75 cm" and substitute:
82 cm
- (2) Schedule 2, clause 13(1)(a)—delete "31 cm" and substitute:
32 cm
- (3) Schedule 2, clause 14, table, item relating to Bream, column 2—delete "28" and substitute:
30
- (4) Schedule 2, clause 14, table, Samsonfish (*Seriola hippos*), column 2—delete "75" and substitute:
88
- (5) Schedule 2, clause 14, table, item relating to Silver Trevally, column 1—delete "Silver Trevally (*Pseudocaranx dentex*)" and substitute:
Trevally (*Pseudocaranx* spp)

7—Variation of Schedule 5—Protected species

Schedule 5—after "River Blackfish (*Gadopsis marmoratus*)" insert:

Cooper Creek Catfish (*Neosilurooides cooperensis*)

8—Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act

(1) Schedule 6, clause 61(2), table—delete the table and substitute:

Table—Recreational non-charter boat fishing daily boat and bag limits

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day	Column 4 Maximum quantity per person per day
	Crustaceans		
The waters of the State	Blue Swimmer Crab (<i>Portunus pelagicus</i>)	60	20
The waters of the State	Sand Crab (<i>Ovalipes</i> spp)	60	20
The waters of the State	Yabby (<i>Cherax</i> spp)	600	200
	Echinoderms		
The waters of the State	Sea urchin (Echinoidea)	60	20
	Molluscs		
The waters of the State	Southern Calamari (<i>Sepioteuthis australis</i>)	45	15
The waters of the State	Cuttlefish (<i>Sepia</i> spp)	45	15
The waters of the State	Razorfish (<i>Pinna</i> <i>bicolor</i>)	75	25
The waters of the State	Scallop (Family Pectinidae)	150	50
	Scalefish		
The waters of the State	Bream (Acanthopagrus spp)	30	10
The waters of the State	Congolli (<i>Pseudaphritis</i> <i>urvillii</i>)	6	2
The waters of the State	Flathead (<i>Platycephalus</i> spp)	30	10
The waters of the State	Flounder (Family Bothidae or Pleuronectidae)	60	20
The waters of the State	Harlequin fish (<i>Othos</i> <i>dentex</i>)	6	2
The waters of the State	Hyrtil's Tandan (<i>Neosilurus hyrtl</i> <i>ii</i>)	30	10
The waters of the State	Southern Garfish (<i>Hyporhamphus</i> <i>melanochir</i>)	90	30
The waters of the State (other than those waters specified in Schedule 5)	Western Blue Groper (<i>Achoerodus gouldii</i>)	3	1

Fisheries Management (General) (Bag and Boat Limits) Variation Regulations 2016
 Variation of *Fisheries Management (General) Regulations 2007*—Part 2

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day	Column 4 Maximum quantity per person per day
The waters of the State other than the waters of the Cooper Creek or the Diamantina Creek (and the anabranches and lakes of those creeks)	Grunter (Family Terapontidae) (not including Spangled Perch (<i>Leiopotherapon unicolor</i>))	15	5
The waters of the State	Australian Herring (<i>Arripis georgianus</i>)	120	40
The waters of the State	Blue Morwong (<i>Nemadactylus valenciennesi</i>)	15	5
The waters of the State	Mullet (Family Mugilidae)	180	60
The waters of the State other than Coorong (area 1) or Coorong (area 2)	Mulloway (<i>Argyrosomus hololepidotus</i>)	6	2
The waters of the State	Golden Perch (<i>Macquaria ambigua</i>)	15	5
The waters of the State	Lake Eyre Perch (<i>Macquaria n.sp</i>)	15	5
The waters of the State	Bight Redfish (<i>Centroberyx gerrardi</i>)	30	10
The waters of the State	Redfish (<i>Centroberyx affinis</i>)	30	10
The waters of the State	Large Salmon (<i>Arripis truttaceus</i>)	30	10
The waters of the State	Small Salmon (<i>Arripis truttaceus</i>)	60	20
The waters of the State	Samsonfish (<i>Seriola hippos</i>)	3	1
The waters of the State	Spangled Perch (<i>Leiopotherapon unicolor</i>)	45	15
The waters of the State	Yellowtail Kingfish (<i>Seriola lalandi</i>)	3	1
The waters of the State	Large Snapper (<i>Pagrus auratus</i>)	6	2
The waters of the State	Small Snapper (<i>Pagrus auratus</i>)	15	5
The waters of Coorong (area 1) or Coorong (area 2)	Small Mulloway (<i>Argyrosomus hololepidotus</i>)	30	10
The waters of the State	Snook (<i>Sphyræna novaehollandiae</i>)	60	20

Fisheries Management (General) (Bag and Boat Limits) Variation Regulations 2016
 Part 2—Variation of *Fisheries Management (General) Regulations 2007*

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per boat per day	Column 4 Maximum quantity per person per day
The waters of the State	Swallowtail (<i>Centroberyx lineatus</i>)	30	10
The waters of the State	Sweep (Genus Scorpis)	60	20
The waters of the State	Trevally (<i>Pseudocaranx</i> spp)	60	20
The waters of the State	Wrasse (Labridae) (other than Western Blue Groper (<i>Achoerodus</i> <i>gouldii</i>))	15	5
The waters of the State	Albacore (<i>Thunnus</i> <i>alalunga</i>)	6	2
The waters of the State	Southern Bluefin Tuna (<i>Thunnus maccoyii</i>)	6	2
The waters of the State	King George Whiting (<i>Sillaginodes punctatus</i>)	30	10
The waters of the State	Yellowfin Whiting (<i>Sillago schomburgkii</i>)	60	20
Shark			
The waters of the State	Bronze Whaler Shark (<i>Carcharhinus</i> <i>brachyurus</i>)	3	1
The waters of the State	Dusky Shark (<i>Carcharhinus obscurus</i>)	3	1
The waters of the State	Gummy Shark (<i>Mustelus</i> <i>antarcticus</i>)	6	2
The waters of the State	School Shark (<i>Galeorhinus galeus</i>)	6	2

- (2) Schedule 6, clause 61(3)(b)—delete "120" and substitute:

60

- (3) Schedule 6, clause 61(3)(e)—delete paragraph (e) and substitute:

of shark (being Bronze Whaler Shark or Dusky Shark) from a boat from which 3 shark (being a combination of Bronze Whale Shark and Dusky Shark) have been taken by unlicensed persons on the same day.

- (4) Schedule 6, clause 61(4)(b)—delete "40" and substitute:

20

- (5) Schedule 6, clause 61(4)(e)—delete paragraph (e) and substitute:

- (e) of shark (being Bronze Whaler Shark or Dusky Shark) if the person has already taken 1 shark (being Bronze Whale Shark or Dusky Shark) on the same day; or

- (6) Schedule 6, clause 63, table—delete the table and substitute:

Table—Recreational fishing—daily bag limits

Column 1 Waters	Column 2 Class of fish	Column 3 Maximum quantity per person per day
Molluscs		
The waters of the State	Mud Cockle (<i>Katelysia</i> spp)	300
The waters of the State	Black Cowrie (<i>Zoila friendii thersites</i>)	1
The waters of the State west of longitude 136° East	Pipi (<i>Donax</i> spp)	100
The waters of the State east of longitude 136° East	Pipi (<i>Donax</i> spp)	300
Scalefish		
The waters of Coorong (area 1) or Coorong (area 2)	Large Mulloway (<i>Argyrosomus hololepidotus</i>)	2

- (7) Schedule 6, clause 63—after its present contents as varied (now to be designated as subclause (1)) insert:

(2) The taking by an unlicensed person in any 1 day, in the waters of the State, of bloodworms (*Glycera*) exceeding a volume that fits a container capable of holding 4 litres of liquid.

- (8) Schedule 6, clause 64(2), table—delete the items relating to Large Snapper and Small Snapper and substitute:

The waters of the State	Large Snapper (<i>Pagrus auratus</i>)	6
The waters of the State	Small Snapper (<i>Pagrus auratus</i>)	15

- (9) Schedule 6, clause 64(2), table, column 2—delete "Silver Trevally (*Pseudocaranx dentex*)" and substitute:

Trevally (*Pseudocaranx* spp)

- (10) Schedule 6, clause 65(4), table—delete the table and substitute:

Table—Recreational charter boat fishing daily bag limits

Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)	Column 4 Maximum quantity per person per boat per day (charter boat carrying more than 6 passengers)
Molluscs			
The waters of the State	Southern Calamari (<i>Sepioteuthis australis</i>)	15	8

Fisheries Management (General) (Bag and Boat Limits) Variation Regulations 2016
 Part 2—Variation of *Fisheries Management (General) Regulations 2007*

Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)	Column 4 Maximum quantity per person per boat per day (charter boat carrying more than 6 passengers)
The waters of the State	Mud Cockle (<i>Anadara</i> & <i>Katylisia</i> spp)	300	150
The waters of the State	Cuttlefish (<i>Sepia</i> spp.)	15	8
The waters of the State	Razorfish (<i>Pinna bicolor</i>)	25	13
	Scalefish		
The waters of the State	Bream (<i>Acanthopagrus</i> spp.)	10	5
The waters of the State	Flathead (<i>Platycephalus</i> spp.)	10	5
The waters of the State	Flounder (Family Bothidae or Pleuronectidae)	20	10
The waters of the State	Blue Morwong (<i>Nemadactylus valenciennesi</i>)	5	3
The waters of the State	Mullet (Family Mugilidae)	60	30
The waters of the State other than Coorong (area 1) or Coorong (area 2)	Large Mulloway (<i>Argyrosomus hololepidotus</i>)	2	1
The waters of the State	Yelloweye Redfish (<i>Centroberyx australis</i>)	10	5
The waters of the State	Swallowtail (<i>Centroberyx lineatus</i>)	10	5
The waters of the State	Large Salmon (<i>Arripis truttaceus</i>)	10	5
The waters of the State	Small Salmon (<i>Arripis truttaceus</i>)	20	10
The waters of the State	Large Snapper (<i>Pagrus auratus</i>)	2	1
The waters of the State	Small Snapper (<i>Pagrus auratus</i>)	5	3
The waters of the State	Snook (<i>Sphyræna novaehollandiae</i>)	20	10
The waters of the State	Sweep (Genus Scorpis)	20	10

Fisheries Management (General) (Bag and Boat Limits) Variation Regulations 2016
 Variation of *Fisheries Management (General) Regulations 2007*—Part 2

Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)	Column 4 Maximum quantity per person per boat per day (charter boat carrying more than 6 passengers)
The waters of the State	Trevally (<i>Pseudocaranx</i> spp)	20	10
The waters of the State	Eastern School Whiting (<i>Sillago flindersi</i>)	20	10
The waters of the State	Yellowfin Whiting (<i>Sillago schomburgkii</i>)	20	10

(11) Schedule 6, clause 65(6)—delete subclause (6)

(12) Schedule 6, clause 66(4), table—delete the table and substitute:

Table—Recreational charter boat fishing daily bag limits

Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)	Column 4 Maximum quantity per person per boat per day (charter boat carrying more than 3 passengers)
Crustaceans			
The waters of the State	Blue Swimmer Crab (<i>Portunus pelagicus</i>)	20	20
The waters of the State	Sand Crab (<i>Ovalipes</i> spp)	20	20
The waters of the State	Giant Crab (<i>Pseudocarcinus gigas</i>)	2	2
The waters of the State	Southern Rocklobster (<i>Jasus edwardsii</i>)	4	2
Echinoderms			
The waters of the State	Sea urchin (Echinoidea)	20	20
Molluscs			
The waters of the State	Abalone (<i>Haliotis</i> spp)	5	3
The waters of the State	Cockle (<i>Anadara</i> & <i>Katelysia</i> spp)	300	150
The waters of the State	Pipi (<i>Donax</i> spp)	300	300
The waters of the State	Scallop (Family Pectinidae)	50	50

Column 1 Waters	Column 2 Species of fish	Column 3 Maximum quantity per person per boat per day (charter boat carrying not more than 3 passengers)	Column 4 Maximum quantity per person per boat per day (charter boat carrying more than 3 passengers)
Scalegfish			
The waters of the State	Congolli (<i>Pseudaphritis urvillii</i>)	2	2
The waters of the State	Harlequin fish (<i>Othos dentex</i>)	2	2
The waters of the State	Southern Garfish (<i>Hyporhamphus melanochir</i>)	30	30
The waters of the State (other than those waters specified in Schedule 5)	Western Blue Groper (<i>Achoerodus gouldii</i>)	1	1
The waters of the State	Australian Herring (<i>Arripis georgianus</i>)	40	40
The waters of the State	Samsonfish (<i>Seriola hippos</i>)	1	1
The waters of the State	Yellowtail Kingfish (<i>Seriola lalandi</i>)	1	1
The waters of the State	Wrasse (Labridae) (other than Western Blue Groper)	5	5
The waters of the State	King George Whiting (<i>Sillaginodes punctatus</i>)	10	10
Shark			
The waters of the State	Bronze Whaler Shark (<i>Carcharhinus brachyurus</i>)	1	1
The waters of the State	Dusky Shark (<i>Carcharhinus obscurus</i>)	1	1

(13) Schedule 6, clause 66—after subclause (4) insert:

(4a) The taking by an unlicensed person, in the waters of the State—

(a) of crab (being Blue Swimmer Crab or Sand Crab) from a boat—

(i) from which the person has already taken 20 Blue Swimmer Crab and Sand Crab in combination on the same day; or

- (ii) from which 60 Blue Swimmer Crab and Sand Crab in combination have already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days); or
 - (b) of shark (being Bronze Whaler Shark or Dusky Shark) from a boat—
 - (i) from which the person has already taken 1 Bronze Whaler Shark or Dusky Shark on the same day; or
 - (ii) from which 3 Bronze Whaler Shark and Dusky Shark in combination have already been taken by unlicensed persons during the same trip (being a trip lasting more than 3 days).
- (14) Schedule 6, clause 67(3), table—delete the item relating to Yellowfin Tuna
- (15) Schedule 6, clause 67(5)—delete subclause (5)
- (16) Schedule 6, clauses 114 and 115—delete clauses 114 and 115 and substitute:

114—Taking of undersize or oversize fish

- (1) The taking, in the waters of the State, of—
 - (a) undersize fish; or
 - (b) Western Blue Groper or Murray Cod that exceeds 100 cm in length.
- (2) The taking, in coastal waters, of Wrasse (Family Labridae) (other than Western Blue Groper) that is less than 25 cm in length or more than 35 cm in length.

9—Variation of Schedule 10—Expiation fees

- (1) Schedule 10, table—delete all the items relating to clause 63 and substitute:

63(1)	Taking Cockle (<i>recreational bag limit</i>)—exceeding limit:	
	• by up to 50 cockles	\$50
	• by more than 50 but not more than 100 cockles	\$100
	• by more than 100 cockles	\$200
63(1)	Taking Black Cowrie (<i>recreational bag limit</i>)—exceeding limit:	
	• by up to 5 Black Cowrie	\$200
	• by more than 5 Black Cowrie	\$300
63(1)	Taking Pipi (<i>recreational bag limit</i>)—exceeding limit:	
	• by up to 50 Pipi	\$50
	• by more than 50 but not more than 100 Pipi	\$100
	• by more than 100 Pipi	\$200
63(1)	Taking Mulloway (<i>recreational bag limit</i>)—exceeding limit:	
	• by up to 10 Mulloway	\$50
	• by more than 10 but not more than 20 Mulloway	\$100

Fisheries Management (General) (Bag and Boat Limits) Variation Regulations 2016
Part 2—Variation of *Fisheries Management (General) Regulations 2007*

	• by more than 20 Mulloway	\$200
63(2)	Taking bloodworms (<i>recreational limit</i>)—exceeding limit:	\$315
(2)	Schedule 10, table—delete all the items relating to clause 66 and substitute:	
66	Taking Abalone (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Abalone	\$50
	• by more than 5 but not more than 10 Abalone	\$100
	• by more than 10 Abalone	\$200
66	Taking Cockle (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 100 Cockles	\$50
	• by more than 100 but not more than 200 Cockles	\$100
	• by more than 200 Cockles	\$200
66	Taking Congolli (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Congolli	\$100
	• by more than 5 Congolli	\$200
66	Taking Giant Crab (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Giant Crab	\$100
	• by more than 5 Giant Crasb	\$200
66	Taking Harlequin fish (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Harlequin fish	\$100
	• by more than 5 Harlequin fish	\$200
66	Taking Western Blue Groper (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Western Blue Groper	\$100
	• by more than 5 Western Blue Groper	\$200
66	Taking Yellowtail Kingfish (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Yellowtail Kingfish	\$100
	• by more than 5 Yellowtail Kingfish	\$200
66	Taking Pipi (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 50 Pipi	\$50
	• by more than 50 but not more than 100 Pipi	\$100
	• by more than 100 Pipi	\$200

Fisheries Management (General) (Bag and Boat Limits) Variation Regulations 2016
Variation of Fisheries Management (General) Regulations 2007—Part 2

66	Taking Rock Lobster (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 rock lobster	\$50
	• by more than 5 but not more than 10 rock lobster	\$100
	• by more than 10 rock lobster	\$200
66	Taking Samsonfish (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Samsonfish	\$100
	• by more than 5 Samsonfish	\$200
66	Taking Bronze Whaler Shark (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Bronze Whaler Shark	\$100
	• by more than 5 Bronze Whaler Shark	\$200
66	Taking Dusky Shark (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Dusky Shark	\$100
	• by more than 5 Dusky Shark	\$200
66	Taking King George Whiting (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 10 Whiting	\$50
	• by more than 10 but not more than 20 Whiting	\$100
	• by more than 20 Whiting	\$200
66	Taking Wrasse (other than Western Blue Groper) (<i>recreational charter boat fishing bag or trip limit</i>)—exceeding limit:	
	• by up to 5 Wrasse	\$100
	• by more than 5 Wrasse	\$200
66	Taking fish (other than Abalone, Cockle, Congolli, Giant Crab, Harlequin fish, Western Blue Groper, Yellowtail Kingfish, Pipi, Rock Lobster, Samsonfish, Bronze Whaler Shark, Dusky Shark, King George Whiting or Wrasse) (<i>recreational charter boat fishing bag, boat or trip limit</i>)—exceeding limit:	
	• by up to 10 fish	\$50
	• by more than 10 but not more than 20 fish	\$100
	• by more than 20 fish	\$200

(3) Schedule 10, table, item relating to clause 114—delete the item and substitute:

114(1)(a)	Taking undersize fish—	
	• up to 10 fish	\$50
	• more than 10 fish	\$100
114(1)(b)	Taking oversize Western Blue Groper or Murray Cod	\$500
114(2)	Taking undersize or oversize Wrasse (other than Western Blue Groper)	\$315

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 3 November 2016

No 256 of 2016

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