

VICTORIA

GOVERNMENT GAZETTE.

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No. 1997

WEDNESDAY, SEPTEMBER 15.

[1943

Factories and Shops Acts.

DETERMINATION OF THE CONFECTIONERS BOARD.

Note.-This Determination applies to the whole State of Victoria.

IN accordance with the provisions of the Factories and Shops Acts, the Wages Board appointed to "determine the lowest prices or rates which may be paid to any persons or classes of persons employed in the process, trade, or business of a manufacturing confectioner," has made the following Determination, namely:—

(1) That on the 20th August, 1943, the adjusted Determination which came into force as from the beginning of the first pay period to commence in August, 1943, shall be revoked and replaced by this Determination.

(2)Juvenile Workers.—Males under 21 Years of Age, other than Apprentices or Improvers. Other Employees. Apprentices and Improvers. WAGES PER WEEK OF 44 HOURS. WAGES PER WEEK OF 44 HOURS. WAGES PER WEEK OF 44 HOURS. Males (assisting the Storeman and Packer) General Hands. Males 18 years of age and under 19 years 19 20 20 ,, 21 ,, ** 26 33 6 9 Confectioners 15 years of age and under 86 0 Head storeman or packer having 16 years of age 17 years of age .. All Other Males. 43 60 72 77 6 6 not less than three storemen of packers under his control 18 years of age 33 43 60 72 77 19 years of age 20 years of age Storeman or packer in charge of one or two persons 19 years of age ... 20 years of age ... PROPORTION. Two juvenile workers to every three adult workers receiving not less than the minimum wage. For the purpose of this clause a junior who is in receipt of the rate pre-scribed for an adult shall be counted as an adult. 26 16 years of age and under 32 40 47 54 .. 102 General hand 17 years of age ... 18 years of age ... • • All other males ... 99 19 years of age PROPORTION. Males (assisting the Storeman and Packer).
One male apprentice to every three or fraction of three male workers receiving not less than 108s. per week of 44 hours.
One male improver to every four or fraction of four male workers receiving not less General workers, chocolate dippers, French cream dippers, bulk and novelty dippers, sale and counter attendants and all other adult female employees (except those provided for in clause 5) 63 than 108s. per week of 44 hours. Other Male Apprentices.

One male apprentice to every three or fraction of three male workers receiving not, less than 115s. per week of 44 hours. Other Male Improvers. One male improver to every three or fraction of three male workers receiving not less less than 115s. per week of 44 hours. Females. Three female apprentices or improvers to every two or fraction of two female enployees receiving not less than 63s. 6d. per week of 44 hours on day work or at piecework rates

(3) DEFINITIONS.

"Confectioner" means an adult male, not expressly included in the definition of a machinist or general hand employed-(i) handling or dealing with confectionery in any process of manufacture from raw materials such as sugar, glucose, gelatine, gum, or licerice, chocolate or similar material to the finished article, and includes an employee who runs by hand with any kind of funnel or bag jubes, jellies, cream fondant, snowballs, or other articles which are run into stamped or moulded starch trays or other moulded receptacles; or

(ii) operating or controlling any of the following machines:-

Chocolate dipping or covering machine.
Licorice making or shaping machine.
Depositing machine.
Cocoa bean roaster.
Milk chocolate condenser. Lozenge stamping machine. Lozenge cutting machine. Mogul depositing machine.

"Machinist" means an adult male employed operating any one or more of the following machines:-Combined refiner and melanguer.

Melanguer. Refiners. Conches. Cocos mill. Coooa butter press. Neat work mill. Liquor mill Gum refining.

"General hand" means a male employee engaged on one or more of the following operations; -

Grinding nuts.

Stirring gum or syrup.

Smoothing, emptying, sleving starch trays.

Cleaning confectionery

Washing tins or bottles with a capacity of over 4 lb.

Stamping lozenges.

Marking toffee on slabs.

Rolling confectionery, sticks or balls.

Blanching nuts by machine.

Cutting confectionery by hand or vertical or circular cutting machine.

Grinding figs, acids, and other ingredients used in the trade.

Weighing confectionery and ingredients (over 30 lb).

Straining syrup or other material used in the trade.

All handling of confectionery or ingredients in the manufacture of confectionery.

Up-ending sugar or lumping sugar.

Glazing confections.

Cutting neat work.

Coating boiled goods with such ingredients as dry sugar or coccanut, &c. Grinding nuts.

Coating boiled goods with such ingredients as dry sugar or cocoanut, &c. Feeding Forgrove and similar machines (except universal type).

GENERAL WORKERS.—Means a female employed at nating up boxes, except in the despatch or bulk or receiving store, tying up boxes, bottles, tins or parcels, tinning up, boxing or packing under 30 lb. in weight; wrapping; packing stock boxes or tins or bottles; labelling; picking nuts or fruit or confection; spreading peel or confections; sieving; cutting fruit or ginger; cleaning; washing tins or bottles with a capacity of 4 lb. or under; plain piping or dotting or glazing novelties; marking confectionery; blanching nuts by hand; separating confectionery; cutting confectionery (excepting lozenges or goods of similar nature); coating jellies or other confections with such ingredients as dry sugar or occoanut; all handling of confectionery directly it leaves the confectioner or the machine; packing confections; stirring confectionery or ingredients (if over 30 lb. to be done by males only); icing novelties; except in the despatch or bulk receiving store.

CHOCOLATE OR FRENCH CREAM DIFFERS.—Means a female engaged in dipping by hand or fork goods in chocolate, French cream, or other substance, or covering by hand or fork goods with chocolate, French cream, or other substance.

BULE DIFFERS OF NOVELTY DIFFERS.—Means a female who at one operation dips or covers a number of confections in or with chocolate or other material by means of wire frames, strainers, or other utensils, or persons filling or turning out chocolate goods moulded

- (4) STARCH WORK.—(a) Any employee whether an adult or junior employed on starch boxes shall be paid 2s. 6d. per week in addition to the prescribed rate. This sub-clause shall not apply to any work done on or in connexion with a mogul machine.
 - (b) An employer shall not employ any person under 18 years of age on starch boxes.
- (c) An employer shall not employ females on smoothing starch trays or emptying or sieving starch trays with or without confections in them.
- (5) SPECIAL RATES.—All female employees employed on any work which is usually performed by males, according to the elassifications and definitions, shall be paid at the rate of wages operating for males for such work.
- (6) PROHIBITED WORK.—No female under the age of eighteen (18) years shall be permitted to lift or carry more than 25 lb. in weight, and no female over eighteen (18) years shall be permitted to lift or carry more than 30 lb. in weight or stir confectionery or any other ingredients over 30 lb. in weight.
- (7) Hours.—The ordinary working hours shall not exceed 44 per week to be worked in five days of 8 hours each, and one day (Saturday) of 4 hours, or five days of 8 hours 48 minutes each to be worked continuously, except for a meal break as prescribed, between 7 a.m. and 5.30 p.m. on Monday to Friday inclusive, and 7 a.m. and noon on Saturday:

Provided that the spread of hours herein prescribed may be altered by mutual agreement between an employer and his

- (8) Meal Breaks.—(a) Employees shall be allowed a meal break of not less than half an hour between the hours of noon and 2 p.m. on each day Monday to Friday inclusive
 - (b) An employee shall not be worked for more than five hours without a break for a meal,
- (c) All time worked during the time ordinarily observed by an employee as his or her meal break shall be paid for at the
- (9) CONTRACT OF EMPLOYMENT.—(a) Employment shall be by the week and shall be terminated by a week's notice on either side, such notice to be given at any time during the week. This shall not affect the right of an employer to dismiss an employer without notice for malingering, inefficiency, neglect of duty, or misconduct (and in such cases wages shall be paid up to the time of dismissal only), or to deduct payment for any day the employee cannot be usefully employed because of any strike by the Association or any other organization or association or through any breakdown of machinery or any stoppage of work by any cause which the employer cannot reasonably prevent, or through slackness of work, or through the closing of factories between Christmas and New Year. This clause shall not apply to workers on night shift.

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(b) Any employee not attending for duty shall lose his or her pay for the actual time of such non-attendance unless he or she produces or forwards within 24 hours of the commencement of such absence evidence satisfactory to the management that his or her non-attendance was due to personal accident arising out of and in the course of his or her employment or to personal ill health necessitating such absence:

Provided that an employee shall not be entitled to payment for non-attendance on the ground of personal accident or personal Ill health or both for more than four days in each year,

(10) SHIFT WORK.—(a) Employees may be worked on night shift subject to the following conditions:—

(i) The hours shall not exceed 44 per week exclusive of meal time.
(ii) Except in cases of emergency an employee who is employed during the ordinary daily working hours shall not be employed on night shift unless and until he has had a break from work of not less than 24 hours.
(iii) Adults on night work shall be paid at the rate of 10s. per week and junior workers at the rate of 5s. per week in addition to their ordinary rates of pay.
(iv) Where three shifts are worked they shall be worked between the hours of midnight Sunday and noon the following

(v) All time worked outside the usual fixed time of a shift shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) Any employer shall not employ any employee under eighteen years of age on night shift.

- (c) Any employee transferred from day work to shift work shall be guaranteed his position on day work after he has completed his time on shift work.
- (11) OVERTIME AND SUNDAY WORK.—(a) All time worked outside the ordinary hours shall be paid for at the rate of time and a half for the first four hours and double time thereafter.

(b) All time worked on a Sunday shall be paid for at the rate of double time.

- (c) A male employee who is called upon to work overtime beyond one hour and who has not been notified when ceasing work on the previous day that he is required to work overtime shall be supplied with a meal or be paid an allowance of 1s. 6d. If such notice as aforesaid is given and the employee attends and is not required to work overtime he shall be paid the 1s. 6d. allowance. A female employee shall be paid 1s. 6d. meal allowance on any day which she is required to work overtime.
- (12) Holidays.—(a) All employees shall be entitled without loss of pay to the following holidays or any days observed in lieu thereof:—New Year's Day, Australia Day, Good Friday, Easter Monday, Labour Day. King's Birthday, Christmas Day, Boxing Day, Melbourne Cup Day, and Union Picnic Day: Provided that should any of these holidays occur on a Saturday or a Eunday, employees shall receive a day's pay.
- (b) "Union Picnic Day" shall be a day (other than a Saturday or Sunday) set apart for the holding of a picnic, and such day shall be arranged between the employers and the Union and no employee shall be entitled to payment for such day unless a ticket for the picnic has been purchased.
- (c) Employees working on any of the holidays mentioned in sub-clause (a) hereof shall in addition to the prescribed wage be paid at the rate of ordinary time for the time worked with a minimum payment as for four hours.
- (d) An employer shall not terminate the employment of an employee for the purpose of evading payment for the holidays mentioned in sub-clause (a) hereof.
- (e) Employees shall be entitled to and receive payment for the holidays as prescribed in sub-clause (a) hereof, provided that they shall be available for duty on the last working day their services are required preceeding and the first working day following such holiday, provided that the employees may be absent with the consent of either the manager or the head of the department in which the employee is working.
- (f) Pieceworkers working on any of the holidays mentioned in sub-clause (a) hereof shall in addition to the piecework earnings be paid at the rate of ordinary time for such holiday.
- (13) Annual Leave.—(a) Except as hereinafter provided a period of seven consecutive days' leave shall be allowed annually to all employees after twelve months continuous service (less the period of annual leave) in any one or more of the occupations to which this Determination applies.
- (b) Annual leave shall be given at a time fixed by the employer within a period not exceeding three mouths from the date when the right to annual leave accrued and after not less than two week's notice to the employee.
- (c) An employer may allow annual leave to an employee before the right thereto has accrued due, but where leave is taken in such case a further period of annual leave shall not commence to accrue until after the expiration of the twelve menths in respect of which annual leave has been taken before it accrued.
- (d) If after six months' continuous service in any qualifying twelve-monthly period an employee leaves his or her employment or his or her employment is terminated by the employer through no fault of the employee the employee shall be paid one-sixth of a week's wage in respect of each completed two months of continuous service in respect of which leave has not been granted hereunder.
- (e) Each employee before going on leave shall be paid a week's wage. For the purpose of this sub-clause and sub-clause (d) hereof the week's wage shall be at the ordinary rate prescribed by this Determination for the occupation in which the employee was ordinarily employed immediately prior to the commencement of his or her leave or the termination of his or her employment as the case may be.
- (f) The annual leave provided for by this clause shall be allowed and shall be taken and except as provided by sub-clause (d) payment shall not be made or accepted in lieu of annual leave.
- (g) Notwithstanding anything herein provided an employer who gives to an employee leave of absence without the loss of pay throughout the interval of time:—

 (i) between the days observed hereunder as the Christmas Day holiday and the New Year's Day holiday: or

 (ii) between the day immediately preceding the Good Friday holiday and the Monday next after the Easter Monday holiday...

holiday-

shall be deemed thereby to fulfil all obligations to that employee under this clause in respect of the period of twelve months' service referred to in sub-clause (a) hereof. The provisions of sub-clause (c) hereof shall apply to this sub-clause.

- (h) Where leave has been granted to an employee pursuant to sub-clauses (c) and (g) hereof before the right thereto has accrued due and the employee subsequently leaves or is discharged from the service of the employer before completing the twelve months' continuous service in respect of which the leave was granted the employer may for each two complete months not served by the employee deduct from whatever remuneration is payable upon the termination of the employment one-sixth of the amount of wage paid on account of the annual leave which amount shall not include any sums paid for any of the holidays prescribed by clause (12) hereof.
- (i) In the case of employees in the employment of an employer on the 16th day of December, 1940, service before the date of this Determination shall be taken into consideration for the purpose of calculating annual leave, and persons in employment on the lat day of July, 1940, shall for the purposes of this clause be deemed to have commenced their service on that date.
 - (f) For the purposes of this clause service shall be deemed to be continuous notwithstanding :-

 - (i) Any interruption or determination of the employment by the employer if such interruption or determination has been made merely with the intention of avoiding obligations hereunder in respect of leave of absence; or
 (ii) Any absence from work on account of sickness or accident or military service (males only) and in calculating the period of twelve months' continuous service absence on account of sickness or accident to the extent of fourteen days in any twelve months shall be deemed to be part of the period of continuous service.
- (k) Except as provided by sub-clause (a) hereof the annual leave prescribed by this clause shall be exclusive of any of the holidays prescribed by clause (12) hereof and if any such holiday falls within an employee's period of annual leave there shall be added to that period one day for each such holiday falling as aforesaid.

- (1) For the purpose of this clause a month shall be reckoned as commencing within the beginning of the first day of the employment or period of employment in question and as ending at the beginning of the day which in the latest month in question has the same date number as that which the commencing day had in its month and if there be no such day m such subsequent. month shall be reckened as ending at the end of such subsequent month.
- (m) Where the employer is a successor or assignee or transmittee of a business if an employee was in the employment of the employer's predecessor at the time when he became such successor or assignee or transmittee the employee in respect of the period during which he or she was in the service of the predecessor shall for the purpose of this clause be deemed to be in the service of the employer.
 - (14) PAYMENT OF WAGES .- (a) All wages shall be paid not later than Friday in each week.
 - (b) An employer shall not keep more than two days' pay in hand:
- Provided that in those cases in which three days' pay was on the 20th day of November, 1939, kept in hand the employer may continue to keep not more than that number of days' pay in hand.
- (c) If an employee leaves his or her employment or is dismissed he or she shall, provided that the necessary money is then available at the factory office be paid his or her wages upon leaving or being dismissed.
 - (d) All wages shall be paid during working hours.
- (15) Mixed Functions.—When an employee is put to work temporarily on work of a classification higher than that under which he or she was engaged or deemed to be working, he or she shall be paid the higher rate prescribed for the higher classification for the time he or she is occupied upon such work.
- (16) DINING ROOM ACCOMMODATION.—The employer shall provide for employees proper dining room accommodation and a sufficient quantity of boiling water at meal hours. The employer shall also provide a heating apparatus in the dining room where more than three females are employed.
 - (17) Washing Facilities.—The employer shall provide suitable washing facilities for employees.
- (18) LOCKERS AND DRESSING ROOM .-- The employer shall provide a cloak and dressing room, and suitable lockers for the use of female employees.
- (19) Overalls and Tools of Trade.—(a) Where an employee is required by the employer to wear overalls, caps, uniforms aprons, &c., other than those normally worn in his or her occupation the employer shall supply the same.
 (b) The employer shall provide all tools of trade required and used by employees in the course of their employment.
- (20) SEATING ACCOMMODATION (FEMALES ONLY).—Where practicable the work of the employee shall be performed sitting or standing, whichever is the more convenient. Where practicable the employees shall have the right to change the position of the work either from sitting to standing or from standing to sitting position at any time they feel disposed during working hours unless impracticable owing to the nature of the work.
- (21) First Aid.—The employer shall provide and maintain in every factory or workshop a properly equipped first aid ambulance chest, which shall be a suitable dustproof receptacle made of either metal or wood and shall make it available for the use of employees in some accessible place in the said factory or workshop.
- (22) Union Business.—(a) Officials of the Federated Confectioners Association of Australia and The Federated Storeman and Packers Union of Australia may absent themselves from work without pay to attend to the business of the Association, or Union if they give at least one day's notice to the employer.
- (b) An employer shall not prevent the secretary of such Association or Union or any official thereof authorized by the Association or Union from visiting or conversing with the members of the Association or Union at meal times or before or after the hours of work in a place mutually agreed upon by the employer or his works manager and the Association or Union secretary or other authorized official.
- (23) FACILITIES FOR UNION OFFICERS AND MEMBERS (FEMALES ONLY).—At each factory reasonable facilities shall be afforded members and officers of the Female Confectioners Union to interview the employees during lunch time, and for the necessary working connexion with the Union, and the Union shall be permitted to post a copy of the Determination and the Union notices on a board in a prominent position in each factory.
- . (24) TIME AND WAGES BOOK.—(a) Each employer shall keep at his factory or at an office convenient thereto a time and wages book in which he shall enter or cause to be entered the name and classification of each employee, the times of starting and ceasing work each day, the amount of overtime worked and the wages and overtime paid to each employee.
- (b) Such book shall, on demand, be produced by the employer for inspection to an official of the Federated Confectioners Association of Australia, Female Confectioners Union, or The Federated Storeman and Packers Union of Australia duly authorized in writing, by the president or secretary of the local branch of the Association or Union concerned at the place where the book is kept at any time between the hours of 10 a.m. and noon on any day except pay day or the day before pay pay between the 1st to the 27th inclusive of each calendar month.
- No authority to inspect shall be given by the Association or Union concerned unless the president or secretary has good reason to suspect that the employer, whose book is to be inspected, is committing or has committed a breach of this Determination.
- (c) Any employer who provides a mechanical clock for the purpose of recording the time of employees may for the purpose of this clause and in lieu of a time and wages book keep the cards or check used in connexion with such clock if such card or check contain the particulars prescribed by sub-clause (a) hereof.
- (25) PIECEWORK (FEMALES ONLY).—Any employer may fix and pay piecework prices to any person or class of persons employed at any work which the minimum wage has been provided for under this Determination, provided that any such employer shall base such piecework prices on the earnings of an average adult worker, with reasonable effort, working under like conditions, at the weekly adult minimum rate and such piecework prices shall be fixed so that an average worker can earn not less than 10 per cent. above the adult wages that are fixed by this Determination for such work.
- Any alteration to the minimum wage shall apply to pieceworkers by adding to, or subtracting from the same amount to the pieceworkers wage.
- (c) In the event of a pieceworker being placed on new work not earning the adult minimum wage through no fault of her own, she shall be paid the existing adult wage.
- . (26) Waiting Time for Pieceworkers (Females only).—Pieceworkers who are waiting for work on or about the factory or workshop of the employer must be paid for such waiting time a sum calculated on the basis of the weekly wage.
- (27) Overtime Rates for Pieceworkers (Females only).—All work performed before or after the regular working hours as per clause (7), or any work in excess of 44 hours per week shall be paid for at piecework rates plus 50 per centum for the first four hours and thereafter at double the ordinary piecework rates.
- All overtime rates carned by a pieceworker shall be paid in full and no deduction shall be made from such overtime rates by reason of any time not worked by such employee.
- (28) Periodical Adjustment of Wages.—The wages rates for adults set out in clause (2) are based upon the following basic wage for adult males and minimum wage for adult females, and, pursuant to the provisions of Section 21 of the Factories and Shops Act 1934 the Board hereby determines that such wages rates shall be automatically increased or decreased by the same amount and at the same time as such basic wage and minimum wage.

The basic wage rates and minimum wage rates shown hereunder shall be adjusted as prescribed in clause (30).

BASIC WAGE.

	PI	ace.		Needs Basic Wage (Adjustable).	Loading (Constant).	Total Basic Wage for Adult Males.	Minimum Wage for Adult Females.	Index Number Set Assigned.		
Victoria			 	Per Week. £ s. d. 4 13 0	Per Week. £ s. d. 0 6 0	Per Week. £ s. d. 4 19 0	Per Week. £ s. d. 3 3 6	Melbourne		

(30) Adjustment of Basic Wage for Adult Males and Minimum Wage for Adult Females.—(a) Until the beginning of the first pay period to commence in November, 1943, the amounts of the basic wage for adult males and minimum wage for adult females shall be as prescribed in clause (29).

(b) During each future period of or near a quarter beginning with the first pay period to commence in a November, a February, a May, or an August, the amounts of the needs basic wage for adult males and minimum wage for adult females shall be adjusted by the following method according to the position and fluctuations (if any) of the Commonwealth Statistician's "All Items" Retail Price Index Numbers.

For the purposes of this Determination the expression "Commonwealth Statistician's Retail Price Index Numbers" or any like expression means the numbers stated to be such Index numbers in any document purporting, and not proved to be wrongly so purporting, to be printed by the Commonwealth Government Printer or to be signed by or on behalf of the Commonwealth Statistician.

- (1) The Index Number set to be applied to a place is that assigned thereto in clause (20).
- (2) The Index Number for the calendar quarter next preceding the period of or near a quarter for which the adjustment is made is to be ascertained.
- (3) The amounts assigned in the following table (or any extension thereof) to the Index Number Division comprising that Number are to be ascertained.
- (4) The needs basic wage for adult males and minimum wage for adult females shall be of those assigned amounts during such period of or near a quarter.

Index Number Divisions.			Needs Basic Wage.	Minimum Wage for Adult Females.	Index Number	Divisions.	Needs Basic Wage.	Minimum Wage for Adult Females.		
871- 882 883- 895 896- 907 908- 910 920- 932 933- 944 915- 956 957- 969 970- 981 982- 993 994-1006 1007-1018 1019-1030				£ s, d. 3 11 0 3 12 0 3 13 0 3 14 0 3 15 0 3 16 0 3 17 0 3 18 0 3 19 0 4 1 0 4 2 0 4 3 0 4 4 0	£ s. d. 2 12 6 2 13 0 2 13 6 2 14 6 2 15 0 2 15 0 2 16 0 2 16 0 2 17 0 2 18 0 2 18 0 2 19 0	1044-1055 1056-1067 1058-1080 1081-1092 1093-1104 1105-1117 1118-1129 1130-1141 1142-1154 1155-1166 1167-1179 1180-1191 1192-1203			£ s. d. 4 5 0 4 6 0 4 7 0 4 8 0 4 10 0 4 11 0 4 12 0 4 13 0 4 14 0 4 15 0 4 16 0 4 17 0	£ s. d. 2 19 6 3 0 0 3 0 6 3 1 0 3 1 6 3 2 0 3 2 6 3 3 3 6 3 4 0 3 4 6 3 5 0 3 5 6

The Index Number Divisions in this table are based upon the equating of the Index Number 1,000 with a basic wage of 81s. per week, and any extension of the table must be of the same construction as the table.

The amounts of the adjustable rates are fixed on a needs basic wage of £3 19s. and a minimum wage for adult females of £3 3s. 6d, and such rates shall be adjusted proportionately to the needs basic wage and minimum wage for adult females respectively, calculated in the case of males to the nearest sixpence, any broken part of sixpence in the result not exceeding threepence to be disregarded and in the case of females to the nearest threepence half or less than half of threepence to be disregarded.

Such adjustments are to be made upon the following rates:—

					Apprer	tices	and l	Improv	ers.						Juvenile Workers	Ма	les under a or l	21 Yea Improv	ers.	Age, o	ther t	han A	ppren	tices
Females.											General Hands.													
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P. A. RANDLES, J.P., Chairman.

J. V. WILLOX, Secretary.

Melbourne, 10th September, 1943.

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