

The Public Trustee  
2000 - 2001  
Annual Report

*For all Tasmanians. Since 1853.*



The Hon Dr Peter Patmore MHA  
Attorney General & Minister for Justice & Industrial Relations  
Public Buildings  
53 St John Street  
LAUNCESTON TAS 7250

Dear Minister,

In accordance with Section 44 of *The Government Business Enterprises Act 1995*, we submit for your information and presentation to Parliament the Report of The Public Trustee for the year ended 30 June 2001.

The Report has been prepared in accordance with the provisions of *The Government Business Enterprises Act 1995*.

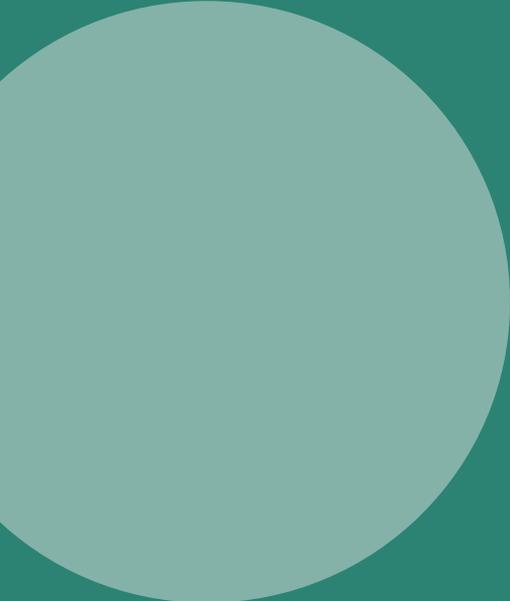
Yours faithfully,



**PETER MALONEY**  
CHAIRPERSON  
THE BOARD OF THE PUBLIC TRUSTEE

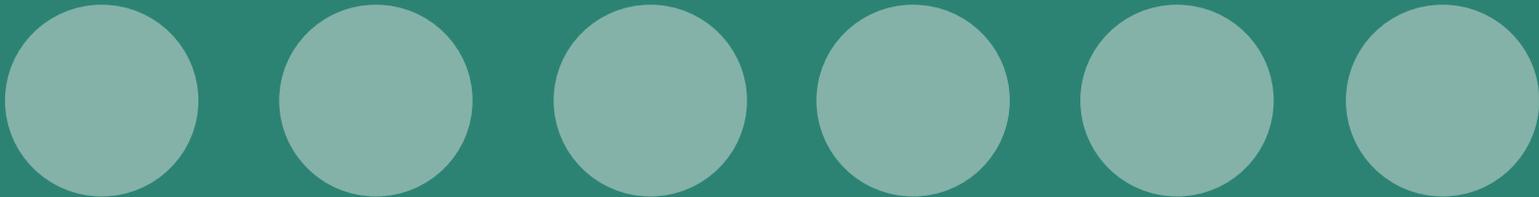


**ELIZABETH THOMAS**  
CHIEF EXECUTIVE OFFICER  
THE PUBLIC TRUSTEE



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## Responsible Minister

The Public Trustee is directly responsible to the Attorney General & Minister for Justice and Industrial Relations for the administration of its principal legislation and for ensuring The Public Trustee is managed in accordance with sound commercial practices.

## Principal Legislation

Two Acts of Parliament comprise the principal legislation affecting The Public Trustee.

- The *Public Trustee Act 1930* is the Portfolio Act and sets out the organisation's basic powers and duties.
- The *Government Business Enterprises Act 1995* (the GBE Act) creates the corporation and determines how The Public Trustee is operated and controlled.

## Main Undertaking

The main undertaking of The Public Trustee is to offer trustee services to the Tasmanian community by:

- Preparing wills and enduring powers of attorney
- Acting as an executor of estates, or estate administrator if there is no will
- Assuming the role of executor when a person named in a will is unable or unwilling to act
- Assisting executors and trustees in their duties
- Acting as attorney for people requiring assistance to manage their financial affairs
- Acting as trustee for various types of trusts including accident compensation awards
- Assisting people to manage their financial affairs where The Public Trustee is appointed as a financial administrator by the Guardianship and Administration Board
- Managing funds under the control of The Public Trustee in order to provide a commercial rate of return to contributors.

# Mission, Vision and Values

*“... respected as a progressive and accessible specialist...”*

**T**hroughout The Public Trustee, we seek to apply our Mission, Vision and Values to decision making, programs and policies at every level, every day.

The Mission states the purpose of The Public Trustee, the reason for our existence.

The Vision is the goal for the future; it states where The Public Trustee, as an organisation, is heading.

The Values guide our behaviour and are based on the shared beliefs of the staff, management and Board of Directors of The Public Trustee.

## Mission Statement

The mission of The Public Trustee, as a Government Business Enterprise, is to offer quality, independent trustee services to the Tasmanian community.

## Vision Statement

The vision of The Public Trustee is to be commercially successful and respected as a progressive and accessible specialist in the provision of trustee services to all Tasmanians.

## Values Statement

In seeking to achieve the mission and vision of The Public Trustee, the primary values of The Public Trustee will be:

- personal and professional respect for each other and our clients
- a client service focus
- a commercial orientation in our business activities in order to ensure we deliver value to our clients and the community
- professional excellence in service delivery
- professional and personal integrity in carrying out our responsibilities.

# the Chairperson's Report



I am pleased to present the annual report for The Public Trustee of Tasmania for the year ending 30th June 2001.

**D**uring the financial year in review, The Public Trustee continued to develop as a commercially successful Government Business Enterprise. A 20% increase in revenue against a 6% increase in pre abnormal expenses generated an operating profit of \$244,642.

This is the most positive result The Public Trustee has achieved since it was established as a Government Business Enterprise in 1995. The financial results of previous years have reflected The Public Trustee's transition to a fully commercial operating environment and corporate infrastructure. The 2000-01 result is evidence of the success of the strategies effectively implemented during those transitional years.

Previous annual reports have highlighted the importance of The Public Trustee receiving full funding to deliver community service obligations on behalf of the Tasmanian government. In 2000-01, The Public Trustee was fully compensated for the net avoidable cost in delivering this valuable service to the Tasmanian community.

Full community service obligation funding has contributed to a return to a positive financial result. Importantly, it has also provided the necessary revenue for corporate initiatives, deferred or restrained in previous years, to be reinstated. These initiatives, which include marketing and business development promotion and access to current information technology, will contribute to the enhanced growth momentum of The Public Trustee.

The community service obligation agreement between The Public Trustee and the Treasurer, as the Minister purchasing The Public Trustee's services, provides that a component of the funding received will be subject to The Public Trustee's performance against agreed service standard benchmarks. The actual performance during the June quarter, the first period performance was measured, was 96.4% of the agreed benchmark.

During the year, The Public Trustee's equity and fixed interest group investment funds commenced operation, contributing to an increase in investment management fees of 15% over the previous year.

I am pleased to announce that in the new financial year, Brett Allender will join the Board. Brett's extensive experience as an economist, trader, fund manager and manager in Australian financial markets will add a new and essential element to the Board.

I would also like to pay tribute to Elizabeth Thomas, Chief Executive Officer. Elizabeth has continued to lead the organisation with vision, enthusiasm and energy. The success of the organisation is due in no small part to her efforts. As Chairperson, I look forward to working with her in the future.

On the basis of the 2001-02 financial result, The Public Trustee will pay a dividend of \$122,321 to the Tasmanian government. We are pleased with that result; it is the culmination of the efforts of 6 years. However, the ultimate assessment of The

*“This is the most positive result The Public Trustee has achieved since it was established as a Government Business Enterprise in 1995.”*

The fixed interest fund commenced in July 2000 and provided an annualised return of 5.63% for the period to 30th June 2001. The equities fund, established in August 2000, generated an annualised return of 11.33% to 30th June 2001. The deposit rate paid by The Public Trustee's common fund during the year was competitive and reflected market trends. Interest rates paid to contributors ranged from 5.0% to 6.0%.

Tim Bayley, the inaugural Chairperson of the Board of The Public Trustee, retired during the year. On behalf of The Public Trustee, I acknowledge the significant contribution Tim made to the organisation. We extend our sincere thanks for his professionalism and expertise in guiding The Public Trustee in its initial years as a Government Business Enterprise.

I also recognise the contribution the members of the Board of The Public Trustee have made to the organisation throughout the year. The Public Trustee is experiencing challenging times and the members of the Board have all contributed to the corporate governance of the organisation.

Public Trustee's value as a government owned organisation will be in how we contribute to the Tasmanian community. We recognise that this contribution should be assessed not only financially, via dividend payments and income tax equivalents, but also in terms of how the concept of a statutory trustee organisation, owned by the Tasmanian government on behalf of the Tasmanian community, contributes to the quality of life of all Tasmanians.

In the year ahead, The Public Trustee will continue to embrace the vision to be commercially successful and a progressive, accessible provider of trustee services. It is that vision, based on the need to preserve our future financial sustainability and our reputation, that will underpin our strategic direction into the new financial year and beyond.



**Peter Maloney**  
**Chairperson**  
**Board of The Public Trustee**

# the Chief Executive Officer's Report



The results The Public Trustee has achieved during the year in review have been shaped by our focus on our mission, vision and values. Those principles will continue to provide the broad framework for the forthcoming year.

The ongoing theme of The Public Trustee's annual reports is our commitment to delivering professional services with personal care. This year we focus on the professional nature of The Public Trustee's services. The emphasis is in response to our market research that highlighted Tasmanians expect The Public Trustee to be a qualified provider of trustee services, providing a service based on experience and expertise.

The Public Trustee's legal services team is responsible for the provision of technical legal advice to the Board, clients and officers of The Public Trustee. The feature article provides an insight into the individual background and responsibilities of the legal services team members. The four solicitors in the team - Brendan McManus, Maria Gibbs, Mal Stacey and Sarah Hood - contribute the benefit of their combined years of valuable experience to The Public Trustee's clients; it is my pleasure to introduce them in this report.

The organisation's internal focus of previous years has been transformed into an external, client service focus. Some key initiatives were implemented during the year in review;

- We achieved 104% of the 2000-01 new will target and 79% and 75% respectively of the enduring power of attorney and revised will targets. During 2001-02 we will implement strategies to improve our performance against the revised will and enduring power of attorney targets. One planned initiative is a regular contact program with our 33,000 existing will clients that will ensure we focus on maintaining our service to existing clients who have put their faith and confidence in our future.

- The Public Trustee's involvement in the Tasmanian community continued. We supported a variety of Tasmanian organisations, including the Queen Victoria Museum and Art Gallery, the Royal Hobart Hospital Research Foundation and Seniors Card.
- Community education continued to be an integral part of our activities; 1,800 Tasmanians attended 76 presentations conducted throughout the state.
- The Public Trustee's annual newsletter, "Matters of Trust" was published in response to the questions The Public Trustee regularly receives; "why does it take so long to finalise an estate", "when should I review my will" and
- A client survey was developed for estate beneficiary clients - we asked them to assess The Public Trustee's estate administration service. Twenty percent of surveys sent were returned to The Public Trustee. The results were analysed in order to identify whether we were meeting expectations and where opportunities for improvement existed.

The majority of clients, ranging from 38% to 49%, assessed our service as excellent in terms of professionalism, timeliness, courtesy and communication. A constant theme from the feedback was the importance of timeliness in the estate administration process. During the coming year we will continue to focus our corporate energies and resources on meeting our client's expectations in relation to this aspect of our service delivery.

*"The organisation's... focus... has been transformed into an external, client service..."*

"what is an enduring power of attorney". The newsletter has been well received and is proof of The Public Trustee's commitment to providing information in relation to trustee services to the Tasmanian community.

- We launched our website - [www.publictrustee.tas.gov.au](http://www.publictrustee.tas.gov.au) - a valuable personal service for people who prefer to use technology to discover information. The site provides access to information and advice in relation to wills, estate, trust and financial administration, enduring powers of attorney and unclaimed monies.
- A review of core business processes to ensure maximum efficiencies are achieved in the delivery of client service and business operations was commenced. The implementation of the outcomes of the review in 2001-02 will contribute to an improvement in client service delivery.

In conclusion, I acknowledge and thank the team at The Public Trustee for their contribution to what has been The Public Trustee's most successful year. This year's result is a fitting tribute to their commitment and dedication to the vision of The Public Trustee as a commercially successful Government Business Enterprise.

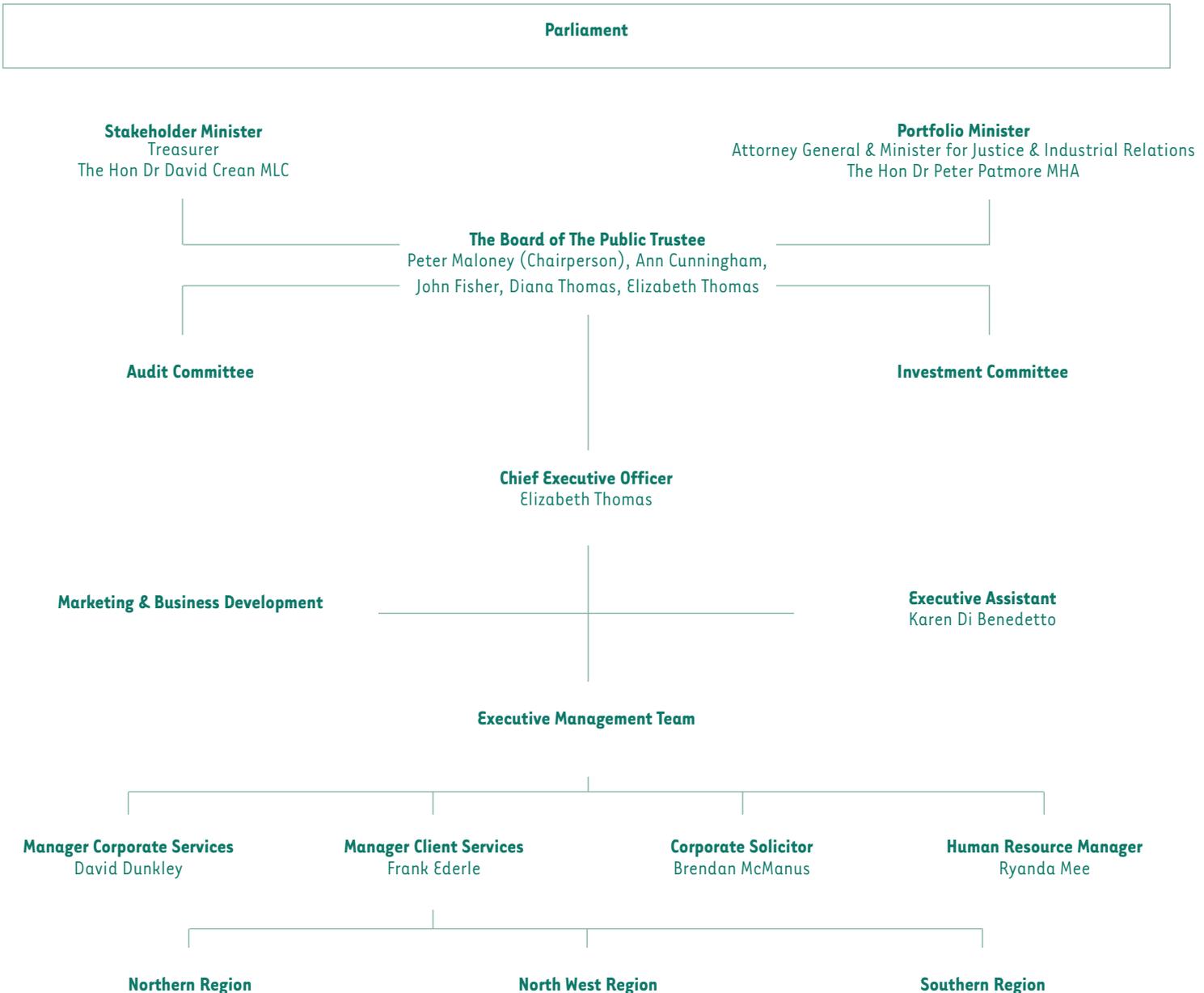
I also pay tribute to Tim Bayley who provided me with continual support and motivation during the years he served as Chairperson of the Board of The Public Trustee. I look forward to working with Peter Maloney, in his role as the new Chairperson, in the forthcoming year.

It promises to be an exciting time as we build on the momentum of the year in review and honour our commitment to serving the Tasmanian community, providing Tasmanians with professional services delivered with personal care.



**Elizabeth Thomas**  
Chief Executive Officer

# Structure of The Public Trustee



# the Board of The Public Trustee

In accordance with the provisions of the *Government Business Enterprises Act 1995*, the Board of The Public Trustee is responsible to the Portfolio Minister (the Attorney General & Minister for Justice and Industrial Relations) for ensuring that;

- the business and affairs of The Public Trustee are managed and conducted in accordance with sound commercial practice
- The Public Trustee performs its functions and achieves its legislative and corporate plan objectives

On that basis, the Board's principle objective is to maintain and increase shareholder value while ensuring The Public Trustee's overall activities are properly managed.

The Board has established audit and investment committees to support it in matters that require more intensive review. Generally, the Board and investment committee meet monthly, the audit committee meets quarterly.

The audit committee oversees the integrity of internal control and risk management strategies. The investment committee advises the Board on the investment of money held by The Public Trustee in trust, including funds invested in the common fund and group investment funds.

The Board delegates responsibility for day to day management of the business and oversight of the implementation of strategies approved by Board in the strategic plan to the Chief Executive Officer.



**Peter Maloney** is a barrister and solicitor and Director Legislation and Policy with the Department of Justice. Peter has been a Director of the Board of The Public Trustee and a member of the investment committee since 1996. In May 2001, Peter was appointed Chairperson of the Board and in the new financial year, he will join the audit committee.

**Ann Cunningham** is a barrister and solicitor practicing part time in family law with Simmons Wolfhagen. Ann holds several other part time roles as a member of the Administrative Appeals Tribunal, Deputy President of the Mental Health Tribunal and Complaints Commissioner at the University of Tasmania. Ann is also an accredited mediator and arbitrator. Ann was appointed as a Director of the Board in 2000.





**John Fisher** was appointed to the Board of The Public Trustee in August 1996 and has served continuously as a Director, chairperson of the investment committee and a member of the audit committee. John is the General Manager, Investment, Trade and Development for the Department of State Development and holds directorships on the Boards of Australian Weaving Mills Pty Ltd and the Antarctic and Southern Ocean Science Centre Pty Ltd.



**Diana Thomas** is Manager Client Services at St Giles Society in Launceston and the Board's representative from the north of Tasmania. Di brings an important regional perspective to The Public Trustee's Board meetings and is also a member of the audit committee.

**Elizabeth Thomas** has been Chief Executive Officer of The Public Trustee and the only Executive Officer on the Board since The Public Trustee was established as a Government Business Enterprise in 1995. Elizabeth contributes 14 years practical experience in estate and trust administration to the Board and the investment committee and in addition to her responsibilities as CEO of The Public Trustee; she holds a number of voluntary positions within the community. Elizabeth is Vice President of the Tasmanian division of the Institute of Public Administration, Deputy Chairperson of the Royal Hobart Hospital Research Foundation and the Fahan School Board and a member of the Salvation Army Citizen's Advisory Board.



**Brett Allender** will join the Board, as a Director and member of the investment committee, at the beginning of the 2001-2002 financial year. Brett will bring 18 years experience in Australian financial markets to The Public Trustee. He has worked as an economist, trader, fund manager and manager and will be a valuable asset to the Investment Committee.



# Legal Services team

*“Professional services delivered with personal care”*



## **BRENDAN MCMANUS**

Brendan McManus, our corporate solicitor, leads The Public Trustee’s legal services team. Brendan, an Arts/Law graduate from The University of Tasmania brings with him a rich background. He has been the associate to the Chief Justice of Tasmania, a legal practitioner in a private law firm and managed and practiced in Legal Aid offices on the north west coast.

Brendan joined The Public Trustee in 1998. His previous experience equipped him well for the complexities, sensitivities and variety involved in providing legal services to the clients of The Public Trustee. Reflecting on the client service focus, challenges and professional role of the legal services team, Brendan comments;

*“In my time as the Corporate Solicitor for the Public Trustee the variety of issues that need to be addressed by our legal practitioners for our client base has never ceased to amaze me.*

*Each set of will instructions and each new estate, trust or administration file the Public Trustee opens for a client carries with it the responsibilities for professional integrity, a need to deliver value to our client and meet the commercial imperatives of a business in today’s highly competitive market place. I continue to be impressed that everyone at The Public Trustee is ever willing to strive to meet the standards that arise from the responsibilities The Public Trustee has to its clients.”*



## **MARIA GIBBS**

Maria’s interest in law was sparked when she was a licensed land broker working for the South Australian Housing Trust prior to coming to Tasmania in 1983. She completed her law degree at the University of Tasmania in 1986.

Following an apprenticeship with a local firm of legal practitioners and tutoring in the Faculty of Law at the University, Maria joined the Public Trustee in June 1989. Her contribution to professional excellence in service delivery is incorporated in a variety of ways. This includes taking will and power of attorney instructions from clients, preparing deeds and conveyancing documentation, dealing with litigation, appearing as counsel in Chamber matters, assisting the Corporate Solicitor, and training and supervising client account managers and less experienced solicitors. She travels to The Public Trustee’s offices throughout the State to provide legal advice to clients and professional development for The Public Trustee’s regional client account managers.

## **MAL STACEY**

Mal qualified as a Solicitor in Brisbane in the 1970’s. He practiced as a partner in a central Brisbane city partnership with a substantial will and probate practice until the mid nineteen nineties when he decided to move to Tasmania.



Mal says *“I have brought with me to The Public Trustee the best of the influences of a private practice. Those influences include the belief that clients are entitled to the best of professional services and the utmost respect. I believe the culture and leadership of The Public Trustee is certainly directed to the provision of services in that manner.”*

Mal believes that as a solicitor in The Public Trustee it is his obligation to provide legal services in a broad section of legal work and across our state wide offices. His major role is to take instructions from clients for wills and enduring powers of attorney. His experience and knowledge enable him to provide clients with options and advice concerning the effect and effectiveness of the instructions they give to The Public Trustee. His professionalism, knowledge and skills complement those of his colleagues in the legal services team and across the organisation.





### **SARAH HOOD**

Sarah graduated with a Bachelor of Laws with Honours from the University of Tasmania in 1996, following 5 years of study within the fields of Economics and Law. She was admitted as a Legal Practitioner in September 1998.

Sarah joined The Public Trustee as a client account manager, administering estates and trusts. That role enabled her to develop invaluable 'hands on' skills and provided an important background when she joined the legal services team in April 2001. Sarah continues to develop her skills as a technical specialist in the preparation of wills and enduring powers of attorney and the provision of legal advice in relation to estates and trusts.

Sarah has continued her studies, undertaking specialised study through the Executor and Trustee Institute that has provided her with the opportunity to develop her knowledge base in areas ranging from investment and taxation to estate administration and estate planning.

Sarah says that although many clients see making a Will as a daunting experience, she aims to put people at ease and to provide legal advice in an understandable and concise manner to assist them to reach effective and practical solutions to complex problems. Sarah encourages her clients to telephone her, should they have any concerns or questions following their appointment. She appreciates the frequent positive comments she receives from clients and particularly the "return business", which has already begun.

Sarah's work also encompasses the provision of legal advice and support on estate and trust matters managed by The Public Trustee's statewide client services team. She enjoys the contact with her colleagues in the North and North West of the state, particularly the opportunity to undertake legal research with a view to providing accurate and practical legal opinions and advice.

### **SHIRLEY NYLANDER**

Our legal secretary, Shirley Nylander is a graduate from a Western Australian Business College.

Shirley's early professional experience includes working in the insurance industry, setting up one of Tasmania's first health food shops in the early seventies and working in Ministerial offices and at Parliament House.

Balancing work and family, Shirley returned to private enterprise running small businesses before joining The Public Trustee in 1996.



This broad range of activities and expertise provided a diverse and client focused background in which to provide competent administrative support to The Public Trustee's solicitors. Shirley is often the first point of contact for our clients and offers experience, attention to detail, accuracy, understanding and respect for individual client needs.

# Corporate Plan

The Public Trustee's corporate plan serves two main purposes:

- it provides a clear vision of the valuable contribution The Public Trustee can make to the Tasmanian community
- it establishes practical initiatives that must be taken to ensure the vision contained in the plan becomes a reality

Strategic initiatives contained in the 2001-02 to 2003-04 corporate plan focus on :

- building the business base to ensure the commercial success of The Public Trustee as a Government Business Enterprise and
- business process analysis and re-engineering in order to increase the efficiency and profitability of core business activities

## Statement of Corporate Intent

The Statement of Corporate Intent has been prepared pursuant to Section 41 of the *Government Business Enterprises Act 1995*.

### a) Business Definition

The scope of the principal commercial activities undertaken by The Public Trustee are:

- to provide the general community with access to professional advice and service in relation to Trustee services including wills, estate administration, trust management and powers of attorney
- to protect the financial interests of individuals under a legal, physical or intellectual disability where The Public Trustee is appointed to act on their behalf
- to assume responsibility for administering estates and trusts, irrespective of their value

### b) Business Direction

The general business direction of The Public Trustee for the forecast period is to perform its functions and exercise its powers so as to be a successful business by:

- operating in accordance with sound commercial practices
- operating efficiently and maximising the net worth of the business

- maximising the sustainable return to the State in accordance with the corporate plan and to perform, on behalf of the State, any community service obligations in an efficient manner

### c) Strategic Direction

The strategic direction for The Public Trustee for the period of the corporate plan will focus on the implementation of initiatives designed to secure market share and improve efficiency and profitability in the organisation's core business activities - estate and trust administration and funds management.

### d) Business Performance Targets

The business performance targets have been set in accordance with the forecast operating profits during the planning period.

Key Performance Indicators	2001-2002	2002-2003	2003-2004
Return on Assets *	3.5%	4.5%	5.1%
Return on Equity	19%	22%	23%
Net Profit (\$000's) before tax	200	260	300
Debt to Equity Ratio	N/A	N/A	N/A
Interest Cover Ratio	N/A	N/A	N/A

\* The notional income from the \$4.0M provision for retirement benefits flows to the provision and has the effect of reducing the return on assets.

### e) Distribution and Policy Targets

The targets are set in accordance with the forecast operating profits during the planning period.

No income tax equivalent payments are forecast during the planning period due to the availability of substantial carried forward losses.

	2001-2002 \$000's	2002-2003 \$000's	2003-2004 \$000's
Dividends	100	130	150
Income tax equivalent payments	0	0	0
Guarantee fees	0	0	0
<b>TOTAL</b>	<b>100</b>	<b>130</b>	<b>150</b>
Dividend payout ratio	50%	50%	50%
Distributions ratio	50%	50%	50%

### f) Capital Structure

The equity of The Public Trustee is made up of a single reserve constituting accumulated retained profits.

No significant changes to the capital structure of The Public Trustee are envisaged during the planning period.

# Financial Commentary

## Financial Performance Indicators

The Public Trustee's corporate plan targets and key financial performance indicator results for 2000 - 2001 were:

	Corporate Plan Target 2000-2001	Actual for 2000-2001
1. <b>Return on Assets</b> *	3.0%	4.3
Earnings before interest & Tax/Total Assets		
2. <b>Profit to Equity</b>	27%	24%
Earnings before Tax/Net Assets		

Due to the repayment of all corporate debt during 1998 the debt to equity ratio and interest cover ratio are no longer relevant financial performance indicators for The Public Trustee.

\* The notional income generated from the \$4.0m provision for retirement benefits flows through to the provision and has the effect of reducing the stated return on assets.

## Payments to Consolidated Fund

The Public Trustee's payments to the Consolidated Fund for 2000-2001 compared with the previous year were:

	2000-2001	1999-2000
Dividend	Nil	\$12,114
Income Tax Equivalent Payment	Nil	\$69,684
Wholesale Sales Tax Equivalent Payment	\$867	\$9,029
Guarantee Fee	Nil	Nil
<b>TOTAL</b>	<b>\$867</b>	<b>\$90,827</b>

## Capital Structure

The Public Trustee has repaid all corporate borrowings.

The equity of The Public Trustee is wholly represented by retained earnings.

## Distribution and Policy Targets

The targets for distribution and payments to the Consolidated Fund in 2001-2002 are:

No tax equivalent payments are forecast during the year to June 2002 as a result of the level of losses carried forward for tax equivalent purposes.

	2001-2002
Guarantee Fee	Nil
Income Tax Equivalent Payment	Nil
Dividend	\$122,000
<b>TOTAL</b>	<b>\$ 122,000</b>

### Statement on Superannuation Entitlements

The superannuation entitlements of the majority of staff are determined by the defined benefits scheme of the *Retirement Benefits Act 1993*. In relation to staff not entitled under the defined benefit scheme, employer contributions have been made to complying superannuation funds as required by the *Commonwealth Superannuation Guarantee Act*.

### Procurement Contracts

The Public Trustee had no procurement contracts in place as at 30th June 2001 valued at more than \$50,000.

### Support for Tasmanian Business

The Public Trustee supports Tasmanian business by sourcing all services and supplies within Tasmania where those services and supplies are competitively available at the standard required by The Public Trustee.

### Community Service Obligation Payments

In accordance with the provisions contained in Part 9 of the *Government Business Enterprises Act 1995*, community service obligations have been declared to encompass the responsibility for The Public Trustee to administer estates, trusts and the financial affairs of represented persons, notwithstanding that the financial value of these matters prohibits full cost recovery. Community service obligations account for 59% of the matters administered by The Public Trustee.

The Treasurer, as the purchasing minister, reviews the Public Trustee's performance in delivering community service obligations on a professional, efficient and cost effective basis. A component of the funding received is subject to The Public Trustee's performance against agreed service standard benchmarks. In 2001-02, performance measurement commenced for the quarter ended 30th June 2001, 96.4% of the agreed benchmark was achieved. On that basis, community service obligation funding received by The Public Trustee in 2000-01 was \$665,184.



## OFFICE LOCATIONS

The services provided by The Public Trustee are available through the Head Office in Hobart and regional offices in Launceston, Devonport and Burnie. Regional visits to major population centres throughout Tasmania and personal visits to clients unable to attend any of our offices ensure all members of the community are able to access our services.

### HOBART

116 Murray Street  
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HOBART TAS 7001  
DX: 238 HOBART  
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### LAUNCESTON

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