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The following Act was passed by Parliament on 28th June 1991 and assented to by the President on 24th July 1991:—

NATIONAL ARTS COUNCIL ACT 1991

(No. 26 of 1991)

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REPUBLIC OF SINGAPORE

No. 26 of 1991.

I assent.

YONG PUNG HOW

*Person appointed**to exercise**the functions of the President.**24th July 1991.*

An Act to establish the National Arts Council and for matters connected therewith.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

1. This Act may be cited as the National Arts Council Act 1991 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. In this Act, unless the context otherwise requires —

“Chairman” means the Chairman of the Council appointed under section 4;

“Council” means the National Arts Council established under section 3;

“Deputy Chairman” means the Deputy Chairman of the Council appointed under section 4;

“Fund” means the Singapore Arts Endowment Fund established under section 13;

“member” means a member of the Council and includes the Chairman and the Deputy Chairman;

“National Theatre Trust” means the National Theatre Trust constituted under section 3 of the National Theatre Trust Act (Cap. 203);

“National Theatre Trust Fund” means the National Theatre Trust Fund established under the National Theatre Trust Act and includes all subscriptions, donations, bequests, interest and dividends and all other property real and personal received or acquired for the purposes of that Act by the National Theatre Trust Board;

“National Theatre Trust Board” means the Board of Trustees constituted under section 4 of the National Theatre Trust Act;

“the arts” includes literary, performing and visual arts.

PART II

ESTABLISHMENT, CONSTITUTION, FUNCTIONS AND POWERS OF COUNCIL

Establishment of National Arts Council

3. There shall be established a body to be known as the National Arts Council which shall be a body corporate with perpetual succession and a common seal and shall, by that name, be capable of —

- (a) suing and being sued;
- (b) acquiring, owning, holding, developing and disposing of property, both movable and immovable; and
- (c) doing and suffering all such acts or things as bodies corporate may lawfully do or suffer.

Constitution of Council

4.—(1) The Council shall consist of —

- (a) a Chairman;
- (b) a Deputy Chairman; and
- (c) not less than 10 nor more than 25 other members.

(2) The First Schedule shall apply to the Council, its members and proceedings.

Functions of Council

5. The functions of the Council shall be —

- (a) to promote excellence in the arts;
- (b) to promote conditions conducive to the advancement of artistic activities in Singapore;
- (c) to promote the appreciation, understanding and enjoyment of the arts;
- (d) to support and assist in the establishment and development of arts organisations;

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- (e) to encourage the support of the arts by any persons or bodies or organisations;
 - (f) to organise and promote artistic activities in Singapore;
 - (g) to provide, and encourage the provision of, opportunities for persons to practise the arts and to receive training in the arts and arts administration;
 - (h) to promote incentives for, and recognition of, achievement in the practice of the arts;
 - (i) to establish and maintain arts facilities including performing arts centres, galleries, theatres, concert halls and rehearsal facilities, and other facilities and conveniences connected therewith;
 - (j) to promote the arts of Singapore overseas through artistic exchange and other activities; and
 - (k) to advise the Government, either of its own motion or upon request made to it by the Minister, on matters connected with the promotion of the arts or otherwise related to the performance of its functions.

Powers of Council

6.—(1) The Council may do all things that are necessary for or incidental to the purpose of discharging its functions under this Act.

(2) Without prejudice to the generality of subsection (1), the Council may, for the purpose referred to in that subsection —

- (a) appoint advisory committees consisting of persons, local or foreign, who have made significant contributions to the arts, to advise the Council on matters relating to the arts;
- (b) appoint committees consisting of persons who may or may not be members of the Council and delegate to such committees such of its functions as the Council may determine;
- (c) raise funds by all lawful means and receive gifts and donations, whether on trust or otherwise;

- (d) extend grants, contributions, loans or scholarships to any person or organisation connected with the arts, subject to such conditions as the Council thinks fit;
- (e) enter into contracts and establish trusts;
- (f) enter into joint ventures with any person or organisation, or form or participate in the formation of an incorporated company or companies;
- (g) provide or undertake publicity in any form; and
- (h) charge fees, commissions or rent for any goods, services or facilities provided by the Council.

Patrons of Council

7. The Council may appoint —

- (a) a patron-in-chief of the Council; and
- (b) other patrons of the Council, not exceeding such number as the Minister may determine.

Annual report

8.—(1) The Council shall, as soon as practicable after the commencement of each financial year, cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Council during that financial year.

(2) The Minister shall as soon as practicable cause a copy of every such report to be presented to Parliament.

Directions by Minister

9.—(1) The Minister may, in consultation with the Council or otherwise, give to the Council such directions not inconsistent with the provisions of this Act as he thinks fit as to the exercise and performance by the Council of its functions under this Act and the Council shall give effect to any such directions.

(2) The Council shall give the Minister such information with regard to its property and activities as the Minister may require.

PART III

PROVISIONS RELATING TO STAFF

Chief executive of Council

10.—(1) The Council shall, with the approval of the Minister, appoint a chief executive of the Council on such terms and conditions as the Council may determine.

(2) The chief executive shall be known by such designation as the Council may determine and shall be responsible to the Council for the proper administration and management of the affairs of the Council in accordance with the policy laid down by the Council.

(3) If the chief executive is temporarily absent from Singapore or temporarily incapacitated by reason of illness or for other reasons temporarily unable to perform his duties, a person may be appointed by the Council to act in the place of the chief executive during any such period of absence from duty.

Appointment of staff

11. The Council may —

- (a) appoint such number of employees on such terms as to remuneration or otherwise as the Council may determine and may terminate their service or exercise disciplinary control over them in accordance with their terms of service; and
- (b) engage and remunerate for their services such persons as the Council considers necessary for carrying out its functions and duties.

PART IV

FUNDS AND PROPERTY OF COUNCIL

Funds and property of Council

12.—(1) The funds and property of the Council shall include —

- (a) all moneys and property transferred to the Council pursuant to section 15;

- (b) all gifts, donations and contributions to the Council;
 - (c) contributions from moneys provided by Parliament; and
 - (d) all fees, commissions, rents, interests, dividends and other income accruing to the Council.
- (2) The Council may open and maintain an account or accounts with any bank or banks as the Council thinks fit.
- (3) The Council may from time to time invest any funds of the Council in such manner or securities as trustees may by any written law be authorised to invest or, with the approval of the Minister, in any other securities or investments.
- (4) Subject to the terms of any trust or endowment, the funds and property of the Council shall be applied solely for the purposes of or in connection with the performance of the functions, powers and duties of the Council under this Act, and no portion thereof shall be paid or transferred, directly or indirectly, by way of dividend, bonus or otherwise by way of profit to its members.
- (5) Nothing in this section shall prevent the payment in good faith of remuneration to any employees of the Council.

Establishment of Singapore Arts Endowment Fund

13.—(1) There shall be established a fund to be known as the Singapore Arts Endowment Fund which shall vest in the Council and consist of —

- (a) all moneys transferred to the Council pursuant to section 15(a);
 - (b) all donations and gifts accepted by the Council for the Fund;
 - (c) such contributions to the Fund as the Minister may specify from moneys provided by Parliament; and
 - (d) such other moneys as the Council may decide to transfer to the Fund.
- (2) Any interest, dividends and other income derived from the Fund shall be credited to the general funds of the Council.

(3) For the purposes of this section,

“general funds of the Council” means the funds of the Council other than the Fund.

(4) The Fund shall not, except with the prior written approval of the Minister, be applied, disposed of or alienated otherwise than as specified in section 12(2) and (3).

Financial provisions

14. The financial provisions set out in the Second Schedule shall apply to the Council.

PART V

TRANSFER OF ASSETS, LIABILITIES AND EMPLOYEES

Transfer of assets and liabilities

15. As from the appointed day —

(a) the National Theatre Trust Fund and all property, movable and immovable, vested in the National Theatre Trust immediately before that day, and all assets, rights and interests vested in, and all outstanding debts, liabilities and obligations incurred by, the National Theatre Trust in connection therewith; and

(b) such movable property vested in the Government immediately before that day used to carry out any functions and services of the Arts Division in the Ministry of Information and the Arts which are similar to any functions vested in the Council by this Act, as the Minister for Finance may, by warrant, direct,

shall be transferred to and shall vest in the Council without further assurance.

Existing agreements, etc.

16. All deeds, bonds, agreements, instruments and working arrangements, subsisting immediately before the appointed day, affecting any of the property, rights, interests, liabilities and

obligations transferred to or vested in the Council under section 15(a) shall continue in force on and after that day and shall be enforceable by or against the Council as if, instead of the National Theatre Trust or a person acting on behalf of the National Theatre Trust, the Council had been named therein or had been a party thereto.

Pending legal proceedings

17. Any proceedings or cause of action pending or existing immediately before the appointed day by or against the National Theatre Trust or any person acting on behalf of the National Theatre Trust may be continued and shall be enforced by or against the Council.

Transfer of employees

18.—(1) As from the appointed day, such persons who immediately before that day —

- (a) are employed by the National Theatre Trust; or
- (b) are employed by the Government for the purpose of carrying out any of the functions and services of the Arts Division in the Ministry of Information and the Arts which are similar to any functions vested in the Council by this Act, as the Minister may determine,

shall be transferred to the service of the Council on terms not less favourable than those he would have enjoyed had he remained in the service of the National Theatre Trust or the Government, as the case may be.

(2) Notwithstanding subsection (1), such persons transferred to the service of the Council from the service of the Government, as the Minister may determine, shall before the appointed day be given the option of remaining in the service of the Government.

Conditions of service

19.—(1) Until such time as terms and conditions of service are drawn up by the Council —

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- (a) every person transferred from the service of the Government under section 18 shall continue under the schemes and terms and conditions of service in the Government which he would have enjoyed had he remained in the service of the Government; and
- (b) every person transferred from the service of the National Theatre Trust under section 18 shall continue under the schemes and terms and conditions of service enjoyed by him immediately prior to his transfer.

(2) The terms and conditions of service of persons transferred to the service of the Council under section 18 shall take into account the salaries and terms and conditions of service, including any accrued rights to leave, enjoyed by such persons while in the employment of the Government or the National Theatre Trust, as the case may be, and any such term or condition relating to the length of service with the Council shall provide for the recognition of service under the Government or the National Theatre Trust by persons so transferred to be service by them under the Council.

(3) Nothing in the terms and conditions of service to be drawn up by the Council shall adversely affect the conditions that would have been applicable to persons transferred to the service of the Council as regards any pension, gratuity or allowance payable under the Pensions Act (Cap. 225).

(4) The terms and conditions of service, in the case of persons transferred to the service of the Council pursuant to section 18(1)(b), shall be agreed upon by the Government, the Council and the officer concerned.

Pension schemes, provident fund, etc

20.—(1) Persons transferred under section 18 from the service of the Government who are eligible for any pension, gratuity or allowance payable under the Pensions Act shall, before the appointed day, be given the option of continuing on any pension scheme established pursuant to this section.

(2) If any person exercises his option given under subsection (1) to continue on a pension scheme, the Council shall, with the approval of

the Minister, make rules for the establishment of a scheme or schemes for the payment of pensions, gratuities, provident fund or other superannuation benefits to such employees or classes of employees of the Council as it may determine, or to their legal personal representatives or dependants, on the death or retirement of such employees from the service of the Council or on their otherwise leaving the service of the Council and the Third Schedule shall apply to any scheme or schemes so established.

(3) In every case where a person employed by the Government has been transferred to the service of the Council under section 18, the Government shall be liable to pay the Council such portion of any gratuity, pension or allowance payable to such person on his retirement or otherwise leaving the service of the Council as the same shall bear to the proportion which the aggregate amount of his pensionable emoluments during his service with the Government bears to the aggregate amount of his pensionable emoluments during his service under both the Government and the Council.

(4) Where any person who is transferred to the service of the Council under section 18 is a contributor under the Widows' and Orphans' Pension Act (Cap. 350), he shall, for the purposes of that Act, continue to make contributions under that Act as if he had not been transferred to the service of the Council and, for the purposes of that Act, his service with the Council shall be deemed to be service with the Government.

No benefits in respect of abolition or reorganisation of office

21. Notwithstanding the provisions of the Pensions Act (Cap. 225), no person who is transferred to the service of the Council under section 18 shall be entitled to claim any benefit under the Pensions Act on the ground that he has been retired from the service of the Government on account of abolition or reorganisation of office in consequence of the establishment and incorporation of the Council.

Continuation and completion of disciplinary proceedings

22.—(1) Where on the appointed day, any disciplinary proceedings are pending against any employee of the Government transferred to the service of the Council under section 18, any committee acting

under due authority to hear or investigate the matter shall continue to exist, notwithstanding this Act, for the purpose of completing the hearing or investigation and the making of an order or rendering a decision, as the case may be, and the Government or committee shall complete the hearing or investigation in accordance with the authority vested in the Government or committee immediately before that day and make such order, rule or direction as the Government or committee could have made under the authority vested in it immediately before that day.

(2) Any order, rule or direction made or given by the Government or committee pursuant to this section shall be treated as an order, rule or direction of the Council and have the same force or effect as if it had been made or given by the Council pursuant to the authority vested in the Council under this Act.

Misconduct or neglect of duty by employee before transfer

23. The Council may reprimand, reduce in rank, retire, dismiss or punish in some other manner a person transferred to the service of the Council under section 18 for any misconduct or neglect of duty committed prior to the appointed day which would have rendered him liable to be reprimanded, reduced in rank, retired, dismissed or punished in some other manner by the Government or the National Theatre Trust, as the case may be, as if this Act had not been enacted.

Date of transfer

24. For the purposes of this Part and section 26,

“appointed day” means such date as the Minister may, by notification in the *Gazette*, determine that the transfers under this Part shall take place.

PART VI

MISCELLANEOUS PROVISIONS

Protection from personal liability

25.—(1) No suit or other legal proceedings shall lie against any member or employee of the Council or other person acting under the

directions of the Council for anything which is in good faith done or intended to be done in the execution or purported execution of this Act.

(2) Any expenses incurred by the Council or any member, employee or person acting under the direction of the Council shall be borne by and repaid out of the funds of the Council.

Repeal

26. Upon the appointed day, the National Theatre Trust Act (Cap. 203) is repealed.

FIRST SCHEDULE

Section 4(2).

CONSTITUTION AND PROCEEDINGS OF COUNCIL

Appointment of Chairman, Deputy Chairman and other members

1.—(1) The Chairman, the Deputy Chairman and other members shall be appointed by the Minister.

(2) The Deputy Chairman may, subject to such directions as may be given by the Chairman, exercise all or any of the powers exercisable by the Chairman under this Act.

(3) The Minister may appoint the chief executive to be a member.

Tenure of office of members

2. The Chairman, the Deputy Chairman and every other member shall, unless their appointment is revoked under paragraph 5 or they resign during their term of office under paragraph 6, hold office for a term of 3 years or such shorter period as the Minister may determine.

Temporary Chairman or Deputy Chairman

3. The Minister may appoint any member to be a temporary Chairman or temporary Deputy Chairman during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of the Chairman or the Deputy Chairman, as the case may be.

FIRST SCHEDULE — *continued***Temporary members**

4. The Minister may appoint any person to be a temporary member during the temporary incapacity from illness or otherwise, or during the temporary absence from Singapore, of any member.

Revocation of appointment

5. The Minister may, at any time, revoke the appointment of the Chairman or the Deputy Chairman or any member; and in exercising his power under this paragraph, the Minister shall not be required to assign any reason for such revocation.

Resignation

6. Any member may resign from his appointment at any time by giving notice in writing to the Minister.

Vacation of office of member

7. The office of a member shall be vacated if the member —

- (a) becomes in any manner disqualified for membership of the Council; or
- (b) has been absent, without leave of the Council, from 3 consecutive meetings of the Council.

Filling of vacancy in office of member

8. If a member dies, resigns or has his appointment revoked or otherwise vacates his office before the expiry of the term for which he has been appointed, another person may be appointed by the Minister for the unexpired period of the term of office of the member in whose place he is appointed.

Disqualification from membership

9. No person shall be appointed or shall continue to hold office as a member if he —

- (a) is of unsound mind;
- (b) is an undischarged bankrupt or has made any arrangement or composition with his creditors; or
- (c) is convicted of an offence involving dishonesty, fraud or moral turpitude and has not received a free pardon.

FIRST SCHEDULE — *continued*

Member's interest to be made known

10.—(1) A member who is in any way, directly or indirectly, interested in a transaction or project of the Council shall disclose the nature of his interest at the first meeting of the Council at which he is present after the relevant facts have come to his knowledge.

(2) A disclosure under sub-paragraph (1) shall be recorded in the minutes of the meeting of the Council and, after the disclosure, that member —

(a) shall not take part in any deliberation or decision of the Council with respect to that transaction or project; and

(b) shall be disregarded for the purpose of constituting a quorum of the Council for such deliberation or decision.

(3) No act or proceedings of the Council shall be questioned on the ground that a member has contravened this paragraph.

Salaries, fees and allowances payable to members

11. There shall be paid to the Chairman, the Deputy Chairman and other members out of the funds of the Council such salaries, fees and allowances as the Minister may, from time to time, determine.

Meetings of Council

12.—(1) The Chairman shall summon meetings as often as may be required but not less than once in 3 months.

(2) At every meeting of the Council, a quorum shall consist of half the total number of members appointed for the time being.

(3) Decisions at meetings of the Council shall be adopted by a simple majority of the votes of the members present and voting; and in the case of an equality of votes, the Chairman or in his absence the Deputy Chairman or the member presiding shall have a casting vote.

(4) The Chairman or in his absence the Deputy Chairman shall preside at meetings of the Council.

(5) Where both the Chairman and the Deputy Chairman are absent at a meeting, such member as the members present may elect shall preside at the meeting.

(6) The Council may act notwithstanding any vacancy in its membership.

(7) Subject to the provisions of this Act, the Council may make standing orders to regulate its own procedure and, in particular, the holding of meetings, the notice to be given of such meetings, the proceedings thereat, the keeping of minutes and the custody, production and inspection of such minutes.

FIRST SCHEDULE — *continued***Validity of acts of members**

13. The acts of a member shall be valid notwithstanding any defect that may afterwards be discovered in his appointment or qualifications.

SECOND SCHEDULE

Section 14.

FINANCIAL PROVISIONS

Financial year

1. The financial year of the Council shall begin on 1st April of each year and end on 31st March of the succeeding year, except that the first financial year of the Council shall begin on the date of commencement of this Act and shall end on 31st March 1992.

Accounts to be kept

2. The Council shall keep proper accounts and records of its transactions and affairs and shall do all things necessary to ensure that all payments out of its moneys are correctly made and properly authorised and that adequate control is maintained over the assets of, or in the custody of, the Council and over the expenditure incurred by the Council.

Financial statements

3. The Council shall, as soon as practicable but not later than 31st August in each year, prepare and submit financial statements in respect of the preceding financial year to the auditor appointed under paragraph 4(1).

Appointment of auditor

4.—(1) The accounts of the Council shall be audited by the Auditor-General or such other auditor as may be appointed annually by the Minister in consultation with the Auditor-General.

(2) A person shall not be qualified for appointment as an auditor under sub-paragraph (1) unless he is an approved company auditor under the Companies Act (Cap. 50).

Remuneration of auditor

5. The remuneration of the auditor shall be paid out of the funds of the Council.

SECOND SCHEDULE — *continued*

Powers of auditor

6. The auditor or any person authorised by him shall be entitled at all reasonable times to full and free access to all accounting and other records relating, directly or indirectly, to the financial transactions of the Council and may make copies of, or extracts from, any such accounting and other records.

Duties of auditor

7.—(1) The auditor shall in his report state —

- (a) whether the financial statements show fairly the financial transactions and the state of affairs of the Council;
- (b) whether proper accounting and other records have been kept, including records of all assets of the Council whether purchased, donated or otherwise;
- (c) whether receipts, expenditure and investment of moneys and the acquisition and disposal of assets by the Council during the financial year have been in accordance with the provisions of this Act; and
- (d) such other matters arising from the audit as he considers necessary.

(2) The auditor shall send a report of his audit to the Minister through the Council not later than 31st October in each year.

(3) The auditor may at any other time report to the Minister through the Council upon any matter arising out of the performance of his audit.

Failure to furnish information to auditor

8.—(1) The auditor or any person authorised by him may require any person to furnish him with such information in the possession of that person or to which that person has access as the auditor considers necessary for the purposes of his functions under this Act.

(2) Any person who fails without reasonable excuse to comply with any requirement of the auditor under sub-paragraph (1) or who otherwise hinders, obstructs or delays the auditor in the performance of his duties or the exercise of his powers shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day during which the offence continues after conviction.

Presentation of financial statements and auditor's report to Parliament

9.—(1) As soon as the financial statements have been audited in accordance with the provisions of this Act but not later than 30th November in each year, the

SECOND SCHEDULE — *continued*

Council shall send to the Minister a copy of the audited financial statements, signed by the Chairman, together with a copy of any report made by the auditor.

(2) Where the Auditor-General is not the auditor of the Council, a copy of the audited financial statements and any report made by the auditor shall be forwarded to the Auditor-General when they are submitted to the Council.

(3) The Minister shall as soon as practicable cause a copy of the audited financial statements and of the report of the auditor to be presented to Parliament.

Annual report

10.—(1) The Council shall as soon as practicable cause to be prepared and transmitted to the Minister a report dealing generally with the activities of the Council during the preceding financial year.

(2) The Minister shall as soon as practicable cause a copy of every such report to be presented to Parliament.

THIRD SCHEDULE

Section 20(2).

PENSION SCHEMES

1. No assurance on the life of any contributor under any pension scheme established under section 20, and no moneys or other benefits payable under any such assurance, and no payment made under any such scheme to any person who has been employed by the Council, shall be assignable or transferable, or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim other than a debt due to the Council or to the Government.

2. No donation by the Council or contribution by its employees made under any pension scheme established under section 20 and no interest thereon shall be assignable or transferable or liable to be garnished, attached, sequestered or levied upon for or in respect of any debt or claim other than a debt due to the Council or to the Government.

3. No such donation, contribution or interest paid under a pension scheme established under section 20 shall be subject to the debts of the contributor, nor shall such donation, contribution or interest pass to the Official Assignee on the bankruptcy of the contributor, but, if the contributor is adjudicated a bankrupt or is declared insolvent by a court, such donation, contribution or interest shall, subject to the provisions of this Act, be deemed to be subject to a trust in favour of the persons entitled thereto on the death of the contributor.

4. The bankruptcy of a contributor shall not affect the making of deductions from the salary of the contributor in accordance with any pension scheme

THIRD SCHEDULE — *continued*

established under section 20, but the deductions shall continue to be made notwithstanding the provisions of any written laws and the portion of salary so deducted shall not be deemed to form part of his after-acquired property.

5. Subject to the provisions of any pension scheme established under section 20, all moneys paid or payable under any such scheme on the death of a contributor shall be deemed to be subject to a trust in favour of the persons entitled thereto under the will or intestacy of the deceased contributor, or under a nomination in such form as may be prescribed in such scheme, and shall not be deemed to form part of his estate or be subject to the payment of his debts but shall be deemed to be property passing on his death for the purposes of the Estate Duty Act (Cap. 96).

6. Any contributor may, by a memorandum under his hand, appoint a trustee or trustees of the moneys payable on his death out of any pension scheme established under section 20 and may make provision for the appointment of a new trustee or new trustees of the moneys and for the investment thereof; the memorandum shall be in the form prescribed in such scheme and shall be deposited with the Council.

7. If at the time of the death of any contributor or at any time afterwards, there is no trustee of the moneys or it is expedient to appoint a new trustee or new trustees, then and in any such case a trustee or trustees or a new trustee or new trustees may be appointed by the Supreme Court.

8. The receipt of a trustee or trustees duly appointed, or in default of any such appointment and of written notice thereof to the Council, the receipt of the legal personal representative of a deceased contributor shall be a discharge to the Council for any moneys payable on his death out of any such scheme.
