

Primary Industries and Energy Legislation Amendment Act (No. 2) 1989

No. 15 of 1990

An Act to amend and repeal legislation relating to Primary Industries and Energy

[Assented to 17 January 1990]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the Primary Industries and Energy Legislation Amendment Act (No.2) 1989.

Commencement

2. (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

(2). Subject to [subsection \(3\)](#), the amendments of:

- (a) the Petroleum (Submerged Lands) Act 1967;
- (b) the Petroleum (Submerged Lands) (Exploration Permit Fees) Act 1967;
- (c) the Petroleum (Submerged Lands) (Pipeline Licence Fees) Act 1967;
- (d) the Petroleum (Submerged Lands) (Production Licence Fees) Act 1967;
- (e) the Petroleum (Submerged Lands) (Registration Fees) Act 1967;
- (f) the Petroleum (Submerged Lands) (Retention Lease Fees) Act 1985; and
- (g) the Tobacco Marketing Act 1965;

made by this Act commence on a day or days to be fixed by Proclamation.

(3) If an amendment of an Act referred to in [subsection \(2\)](#) does not commence under that section within the period of 6 months beginning on the day on which this Act receives the Royal Assent, it commences on the first day after the end of that period.

Amendment of Acts

3. The Acts specified in [Schedule 1](#) are amended as set out in that Schedule.

Repeal

4. The Acts specified in [Schedule 2](#) are repealed.

SCHEDULE 1

[Section 3](#)

AMENDMENTS OF ACTS

Dairy Produce Act 1986

After subsection 62 (3):

Insert the following subsection:

"(3A) Notwithstanding any law of a State or Territory or any contract entered into before or after the commencement of this subsection, a person who purchases relevant dairy produce from its producer may, for the purpose of obtaining the funds necessary for the due payment by the person, on behalf of the producer, of a milk fat levy on the produce, deduct from any money payable by the person to the producer for that produce, an amount equal to, or that may reasonably be expected to be equal to, an unpaid milk fat levy on the produce."

Subsection 62 (4):

Insert "or deducted by the other person under [subsection \(3A\)](#)" after "other person" (second occurring).

After subsection 62 (5):

Insert the following subsection:

"(5A) Where a person deducts an amount under [subsection \(3A\)](#), the producer is, upon the levy becoming payable, discharged from liability to pay the levy to the extent of the amount so deducted, but the liability of that person under [subsection \(1\)](#) is not affected."

Subsection 62 (7):

Add at the end "or (5A)".

After subsection 63 (2):

Insert the following subsection:

"(2A) Where:

- (a) a person deducts an amount under [subsection 62 \(3A\)](#) in respect of a milk fat levy on relevant dairy produce; and
- (b) the person does not, at or before the time when that levy becomes due and payable, pay to the Commonwealth the whole or any part of the amount so deducted;

there is payable by the person to the Commonwealth by way of penalty, in addition to the amount payable by the person under [subsection 62 \(1\)](#), an amount calculated at the rate of 20% per annum upon so much of the amount so deducted as is not paid to the Commonwealth, to be computed from the time when that levy becomes due and payable."

Live-stock Slaughter Levy Collection Act 1964

Paragraph 10C (a):

Omit "and" (last occurring).

After paragraph 10C (a):

Insert the following paragraph:

"(aa) in payment to the Commonwealth of amounts equal to the expenses incurred by the Commonwealth in relation to:

- (i) the collection or recovery of amounts of levy or charge referred to in **paragraph 10B (1) (a) or (aa)**; or
- (ii) the administration of **paragraph 10B (1) (a) or (aa)**; and"

Plant Variety Rights Act 1987

Paragraph 12 (1) (c):

Omit "and".

Subsection 12 (1):

Add at the end the following word and paragraph:

“;and (e) if the plants of that variety are plants of a prescribed genus or prescribed species:

- (i) the exclusive right to produce asexually, including the right to license other persons to produce asexually, plants of that variety for the commercial production of the fruit, flowers, or any other product, of those plants; and
- (ii) the exclusive right to produce asexually, including the right to license other persons to produce asexually, reproductive material of plants of that variety for the commercial production of the fruit, flowers, or any other product, of those plants.”

Section 12:

Add at the end the following subsection:

“(3) Plant variety rights referred to in **subparagraph (1) (e) (i) or (ii)** are subject to the condition that the grantee of those rights in respect of a plant variety shall license a person:

- (a) to produce asexually plants of that variety; or
- (b) to produce asexually reproductive material of plants of that variety; (as the case may be) unless the person refuses or fails to comply with any condition to which the licence may reasonably be, and is, subject.”

Subsection 18 (2):

Omit “give public notice of the application”, substitute “, as soon as possible after notifying the applicant, give public notice of the acceptance of the application”.

Section 28:

Omit “within 7 days”, substitute “as soon as possible”.

After subsection 38 (1):

Insert the following subsection:

“(1A) In paragraph (1) (a), ‘commercial purpose’, in relation to plants of a plant variety in respect of which plant variety rights referred to in subparagraph 12 (1) (e) (i) or (ii) subsist, includes the commercial production of the fruit, flowers, or any other product, of those plants.”

Subparagraphs 38 (2) (a) (i) and (b) (i):

Insert “, otherwise than by asexual means,” after “produce”.

Subparagraphs 38 (2) (a) (ii) and (b) (ii):

Insert “, otherwise than by asexual means” after “derived”.

Subparagraphs 38 (3) (a) (i) and (b) (i):

Insert “, otherwise than by asexual means,” after “produce”.

Subparagraphs 38 (3) (a) (ii) and (b) (ii):

Insert “otherwise than by asexual means” after “derived”.

Section 40:

After paragraph (d) insert the following paragraphs:

“(da) a person who, not being licensed by the grantee to produce asexually plants of that variety for the commercial production of the fruit, flowers, or any other product, of those plants, so produces plants of that variety for the commercial production of such fruit, flowers or other product;

Petroleum (Submerged Lands) Act 1967

Paragraph 21 (1) (f):

Omit “a fee of \$3,000”, substitute “the prescribed fee”.

Subsection 21 (5):

Omit the subsection.

Subsection 22A (1):

Omit “be”, substitute “by”.

Paragraph 22A (5) (h):

Omit “a fee of \$3,000”, substitute “the prescribed fee”.

Subsection 22A (7):

Omit the subsection.

Paragraph 24 (1) (a):

Omit “a fee of \$3,000”, substitute “the prescribed fee”.

Subsection 24 (2):

Omit the subsection, substitute the following subsection:

“(2) Where a permit is not granted on the application, the amount of the deposit shall, subject to **subsection (3)**, be refunded to the applicant”.

Paragraph 30 (2) (c):

Omit “a fee of \$300”, substitute “the prescribed fee”.

Subsection 32 (1):

Omit all words and paragraphs preceding **paragraph (c)**, substitute the following words and paragraphs:

“(1) Where an application has been made under **section 30** for the renewal of a permit, the Joint Authority:

- (a) shall, if the conditions to which the permit is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or
- (b) may, if:
 - (i) any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and
 - (ii) the Joint Authority is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the permit;

by instrument in writing served on the person who is then the permittee inform the person:”.

Paragraph 32 (1) (d):

Omit “permittee”, substitute “person”.

Subsection 32 (2):

- (a) Omit all words to and including “regulations”, substitute “If any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with”.
- (b) Insert “person who is then the” before “permittee” (second occurring).

Paragraph 38A (2) (e):

Omit “a fee of \$600”, substitute “the prescribed fee”.

After section 38B:

Insert the following section:

Application of sections 38A and 38B where permit is transferred

“38BA. Where:

- (a) after an application has been made under **subsection 38A (1)** in relation to a block or blocks in respect of which a permit is in force; and
- (b) before a decision has been made by the Joint Authority under **subsection 38B (1) or (2)** in relation to the application;

a transfer of the permit is registered under **section 78**, **sections 38A** and **38B** have effect, after the time of the transfer, as if any reference in those sections to the applicant were a reference to the transferee.”.

Paragraph 38F (2) (d):

Omit “a fee of \$600”, substitute “the prescribed fee”.

Subsection 38F (4):

Omit “a lessee makes an application”, substitute “an application has been made”.

Paragraphs 38G (1) (a) and (b):

Omit the paragraphs, substitute the following paragraphs:

- “(a) an application for the renewal of a lease has been made under **section 38F**;
- (b) any further information required by the Designated Authority under **subsection 38F (4)** has been furnished in accordance with that subsection;”.

Paragraphs 38G (1) (d) and (e):

Omit the paragraphs, substitute the following paragraphs:

- “(d) shall, if the conditions to which the lease is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or
- (e) may, if:
 - (i) any of the conditions to which the lease is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has been complied with; and
 - (ii) the Joint Authority is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the lease;”.

Subsection 38G (1):

Omit “inform the lessee, by instrument in writing served on the lessee, that it is prepared to grant to the lessee the renewal of the lease and that the lessee”, substitute “by instrument in writing served on the person who is then the lessee, inform the person that it is prepared to grant to the person the renewal of the lease and that the person”.

Subsection 38G (2):

Omit the subsection, substitute the following subsection:

“(2) Subject to **subsection (3)**, where an application for the renewal of a lease has been made under **section 38F** and:

- (a) any further information required by the Designated Authority under **subsection 38F (4)** has not been furnished in accordance with that subsection;
- (b) the Joint Authority is not satisfied as to the matters referred to in **paragraph (1) (c)**; or
- (c) any of the conditions to which the permit is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with and the Joint Authority is not satisfied that special circumstances exist that justify the granting of the renewal of the lease;

the Joint Authority shall, by instrument in writing served on the person who is then the lessee, refuse to grant the renewal of the lease.”.

Paragraph 40 (2) (b):

Insert “being the holder of licence referred to in **paragraph (a)**,” before “may”.

Paragraph 40 (3) (b):

Omit “to whom a licence has been granted”, substitute “who is the holder of a licence”.

Subsection 40B (4):

Omit “a lessee makes an application”, substitute “an application has been made”.

Paragraph 41 (1) (e):

Omit “a fee of \$600”, substitute “the prescribed fee”.

After section 44:

Insert the following section:

Application of sections 39A and 41 to 44 where permit etc. transferred

“44A. Where:

- (a) after an application has been made:
 - (i) under **section 39A or 40** for the grant of a licence in respect of a block in respect of which a permit is in force; or

- (ii) under **section 40A or 40B** for the grant of a licence in respect of a block in respect of which a lease is in force; and
- (b) before a decision has been made by the Joint Authority under **subsection 43 (1)** in relation to the application;
a transfer of the permit or lease (as the case may be) is registered under **section 78**, then, after the time of the transfer:
 - (c) in the case of an application under **section 39A**—that section has effect in relation to the application as if any reference in **subsection (3)** to the applicant were a reference to the transferee; and
 - (d) in all cases—**sections 41 to 44** (inclusive) have effect in relation to the application as if any reference in those sections to the applicant were a reference to the transferee.”.

Subsection 47 (2):

Omit “Designated”, substitute “Joint”.

Paragraph 48 (1) (a):

Omit “a fee of \$3,000”, substitute “the prescribed fee”.

Subsection 48 (2):

Omit the subsection, substitute the following subsection:

“(2) Where a licence is not granted on the application, the amount of the deposit shall, subject to **subsection (3)**, be refunded to the applicant.”.

Paragraph 51 (2) (e):

Omit “a fee of \$300”, substitute “the prescribed fee”.

Paragraph 54 (2) (d):

Omit “a fee of \$600”, substitute “the prescribed fee”.

Subsections 55 (1) and (2):

Omit the subsections, substitute the following subsections:

“(1) Where:

- (a) an application for the renewal of a licence has been made under **section 54**; and
- (b) the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with;
the Joint Authority:
 - (c) shall, if the application is in respect of the first renewal of the licence; or
 - (d) may, if the application is in respect of a renewal other than the first renewal of the licence;

by instrument in writing served on the person who is then the licensee, inform the person that it is prepared to grant to the person the renewal of the licence.

“(2) Where:

- (a) an application for the renewal of a licence has been made under **section 54**; and
- (b) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with, but the Joint Authority is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the licence;

the Joint Authority may, by instrument in writing served on the person who is then the licensee, inform the person that it is prepared to grant to the person the renewal of the licence.”.

Subsection 55 (3):

- (a) Omit all words to and including “regulations”, substitute “If any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with”.
- (b) Insert “person who is then the” before “licensee” (second occurring).

Subsection 55 (5):

- (a) Omit “a licensee makes an application”, substitute “an application has been made”.
- (b) Insert “person who is then the” before “licensee” (second occurring).

Section 57:

Repeal the section.

Paragraph 64 (1) (f):

Omit “a fee of \$3,000”, substitute “the prescribed fee”.

Subsection 65 (1):

Omit all words from and including “the Joint Authority” to and including “inform”, substitute “the Joint Authority may, if that person is not the licensee and the application has not been rejected under **subsection 64 (3)**, inform”.

Subsections 65 (2) and (3):

Omit the subsections, substitute the following subsections:

“(2) Where an application for a pipeline licence in respect of the construction in an adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area is made in accordance with **section 64** by the licensee, the Joint Authority:

- (a) shall, if the conditions to which the licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or
- (b) may, if:

- (i) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and
- (ii) the Joint Authority is, nevertheless, satisfied that special circumstances exist that justify the granting of a pipeline licence;

by instrument in writing served on the person who is then the licensee, inform the person that it is prepared to grant to the person a pipeline licence.

“(3) Where an application for a pipeline licence in respect of the construction in an adjacent area of a pipeline for the conveyance of petroleum recovered in a licence area is made in accordance with **section 64** by the licensee, the Joint Authority shall, if:

- (a) any of the conditions to which the licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and
- (b) the Joint Authority is not satisfied that special circumstances exist that justify the granting of a pipeline licence;

by instrument in writing served on the person who is then the licensee, refuse to grant a pipeline licence.”

Subsection 65 (12):

Omit the subsection.

Paragraph 68 (2) (c):

Omit “a fee of \$600”, substitute “the prescribed fee”.

Subsection 69 (1):

Omit all words and paragraphs preceding **paragraph (c)**, substitute the following words and paragraphs:

“(1) Where an application has been made under **section 68** for the renewal of a pipeline licence, the Joint Authority:

- (a) shall, if the conditions to which the pipeline licence is, or has from time to time been, subject and the provisions of this Part and of the regulations have been complied with; or
- (b) may, if:
 - (i) any of the conditions to which the pipeline licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and
 - (ii) the Joint Authority is, nevertheless, satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence;

by instrument in writing served on the person who is then the pipeline licensee, inform the person:”.

Subsection 69 (2):

Omit the subsection, substitute the following subsection:

“(2) Where an application has been made under **section 68** for the renewal of a pipeline licence, the Joint Authority shall, if:

- (a) any of the conditions to which the pipeline licence is, or has from time to time been, subject or any of the provisions of this Part and of the regulations has not been complied with; and
- (b) the Joint Authority is not satisfied that special circumstances exist that justify the granting of the renewal of the pipeline licence;

by instrument in writing served on the person who is then the pipeline licensee, refuse to grant the renewal of the pipeline licence.”.

Paragraph 71 (2) (e):

Omit “a fee of \$300”, substitute “the prescribed fee”.

Section 79:

Omit “a fee of \$30” (twice occurring), substitute “the prescribed fee”.

Subsection 86 (1):

Omit “of \$6”, substitute “calculated in accordance with the regulations”.

Subsection 87 (2):

Omit “at the rate of \$1.50 per page”, substitute “in accordance with the regulations”.

Subsection 87 (3):

Omit “of \$15”, substitute “calculated in accordance with the regulations”.

Paragraph 111 (2) (b):

Omit “and”.

After paragraph 111 (2) (c):

Insert the following word and paragraph:

“and (d) shall be accompanied by the prescribed fee.”.

After subsection 112 (1A):

Insert the following subsections:

“(1B) The holder of a special prospecting authority may make an application to the Designated Authority for the grant of an access authority to enable the applicant to carry on petroleum exploration operations in an area, being part of the adjacent area not included in any block that is the subject of the special prospecting authority.

“(1C) The holder of a permit, lease, licence or special prospecting authority in respect of a block or blocks within an adjacent area may make an application to the Designated Authority for that adjacent area for the grant of an access authority to enable the applicant to carry on, in a block or blocks in an adjacent area adjoining the first-mentioned adjacent area:

- (a) petroleum exploration operations; or
- (b) where the applicant is the holder of a permit, lease or licence, operations related to the recovery of petroleum in or from any block that is the subject of the permit, lease or licence.”.

Paragraph 112 (3) (a):

After “licensee” insert “, holder of a special prospecting authority”.

Subsection 112 (4):

- (a) Omit “this section”, substitute “a provision of this section other than **subsection (1C)**”.
- (b) Omit “or licence” (wherever occurring), substitute “licence or special prospecting authority”.
- (c) Insert “such” after “vary” (first occurring).

After subsection 112 (4):

Insert the following subsections:

“(4A) The Designated Authority shall not grant or vary an access authority on an application under **subsection (1C)** without the approval of the Designated Authority for the adjacent area within which the block or blocks to be specified in the access authority are situated.

“(4B) Where:

- (a) an application under **subsection (1C)** for the grant of an access authority is in respect of the block that is the subject of a permit, lease, licence or special prospecting authority of which the registered holder is a person other than the applicant; or
- (b) a proposal to vary an access authority granted on an application under that subsection is in respect of a block that is the subject of a permit, lease, licence or special prospecting authority of which the registered holder is a person other than the registered holder of the access authority;

the Designated Authority for the adjacent area within which the block is situated shall not approve the grant or the variation unless:

- (c) the Designated Authority has, by instrument in writing served on that person, given not less than one month’s notice of the intention to grant, or vary, as the case may be, the access authority;
- (d) a copy of the instrument has been served:
 - (i) on such other persons, if any, as the Designated Authority thinks fit; and
 - (ii) where it is proposed to vary an access authority—on the registered holder of the access authority;
- (e) the instrument gives:
 - (i) particulars of the access authority that it is proposed to grant or vary, as the case may be; and
 - (ii) notice that a person on whom the instrument, or a copy of the instrument, has been served may, by instrument in writing served on the Designated Authority on

or before the date specified in the instrument, submit any matters that the person wishes the Designated Authority to consider; and

- (f) the Designated Authority has taken into account any matters submitted in accordance with the notice referred to in **subparagraph (e) (ii)**.”.

Paragraph 114 (1) (a):

Omit the paragraph, substitute the following paragraph:

“(a) shall be in such amount as is prescribed;”.

Subsections 118 (1B), (2), (3), (5) and (5A):

Omit “of \$15 per day” (wherever occurring), substitute “calculated in accordance with the regulations”.

Petroleum (Submerged Lands) (Exploration Permit Fees) Act 1967

Subsection 4(1):

Omit all words from and including “permit” (first occurring), substitute “permit, a fee calculated in accordance with the regulations”.

After section 6:

Add the following section:

Regulations

“7. The Governor-General may make regulations for the purposes of **section 4**.”.

Petroleum (Submerged Lands) (Pipeline Licence Fees) Act 1967

Subsection 4 (1):

Omit all words from and including “fee”, substitute “fee calculated in accordance with the regulations”.

After section 6:

Add the following section:

Regulations

“7. The Governor-General may make regulations for the purposes of section 4.”.

Petroleum (Submerged Lands) (Production Licence Fees) Act 1967

Subsection 4(1):

Omit all words from and including “calculated”, substitute “calculated in accordance with the regulations”.

After section 7:

Add the following section:

Regulations

“8. The Governor-General may make regulations for the purposes of **section 4**.”.

Petroleum (Submerged Lands) (Registration Fees) Act 1967

Subsection 4 (2):

Omit “\$300” (wherever occurring), substitute “the prescribed amount”.

Subsection 4 (3):

Omit “\$300” (wherever occurring), substitute “the prescribed amount”.

Subsection 4(4):

Omit “\$3,000” (wherever occurring), substitute “the prescribed amount”.

Subsection 4 (6):

Omit “\$300” (wherever occurring), substitute “the prescribed amount”.

Subsection 4 (6A):

Omit “\$3,000” (wherever occurring), substitute “the prescribed amount”.

After section 4:

Add the following section:

Regulations

“5. The Governor-General may make regulations for the purposes of **section 4**.”.

Petroleum (Submerged Lands) (Retention Lease Fees) Act 1985

Subsection 4 (1):

Omit all words from and including “fee”, substitute “fee calculated in accordance with the regulations”.

After section 6:

Add the following section:

Regulations

“7. The Governor-General may make regulations for the purposes of **section 4**.”.

Tobacco Marketing Act 1965

Section 4 (definitions of “member”, “the Chairman” and “the Deputy Chairman”):

Omit “Board”, substitute “Committee”.

Section 4 (definition of “the Board”):

Omit the definition.

Section 4:

Insert the following definition:

“ ‘the Committee’ means the Australian Tobacco Marketing Advisory Committee established by **subsection 5 (1)**.”.

Heading to Part II:

Omit the heading, substitute the following heading:

“PART II AUSTRALIAN TOBACCO MARKETING ADVISORY COMMITTEE”.

Subsection 5 (1):

Omit “Board”, substitute “Marketing Advisory Committee”.

Subsections 5 (2) and (3) and 6 (1) and (10):

Omit “Board” (wherever occurring), substitute “Committee”.

Sections 7, 8, 9, 10, 11, 13 and 14:

Omit “Board” (wherever occurring), substitute “Committee”.

Heading to Part III:

Omit “BOARD”, substitute “COMMITTEE”.

Section 15:

Omit “the Board” (wherever occurring), substitute “the Committee”.

Section 16:

Omit “Board” (wherever occurring), substitute “Committee”.

Subsection 17 (1):

Omit “Board” (wherever occurring), substitute “Committee”.

Subsection 17 (2):

Omit “Public Service Board” and “the Board”, substitute “Minister” and “the Committee” respectively.

Sections 18, 19, 20, 21, 22, 23, 24, 25, 26 and 28:

Omit “Board” (wherever occurring), substitute “Committee”.

SCHEDULE 2

[Section 4](#)

ACTS REPEALED

Derby Jetty Agreement Act 1962

Oil Companies (Stock Loss Reimbursement) Act 1986

Pipeline Construction (Dalton to Canberra) Act 1980

Pipeline Construction (Young to Wagga Wagga) Act 1980

South Australia Grant (Fruit Canneries) Act 1971

States and Northern Territory Grants (Bluetongue Virus Control) Act 1978

States Grants (Fruit Canneries) Act 1976

States Grants (Fruit-growing Reconstruction) Act 1972

States Grants (Fruit-growing Reconstruction) Act 1973

States Grants (Fruit-growing Reconstruction) Act 1974

States Grants (Fruit-growing Reconstruction) Act 1976

Victoria Grant (Shepparton Preserving Company Limited) Act 1971

Wheat Industry Stabilization Fund (Disposal) Act 1962

NOTE

On the commencement of the amendments of the *Tobacco Marketing Act 1965* made by this Act, the headings to **sections 5, 6, 10, 19, 21, 22 and 26** of that Act are altered by omitting “Board” and substituting “Committee”.

*[Minister’s second reading speech made in—
House of Representatives on 12 April 1989]*



Senate on 19 December 1989]