

Statutory Rules 1988 No. 62¹

Plant Variety Rights Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and in accordance with **subsection 13 (2)** of the *Plant Variety Rights Act 1987*, hereby make the following Regulations under that Act.

Dated 21 April 1988.

N. M. STEPHEN

Governor-General

By His Excellency's Command,

JOHN KERIN

Minister of State for Primary Industries and Energy

Citation

1. These Regulations may be cited as the Plant Variety Rights Regulations.

Commencement of Part II of Schedule 1

2. **Part II of Schedule 1** commences on 1 July 1988.

Interpretation

3. (1) In these Regulations, unless the contrary intention appears, “the Act“ means the *Plant Variety Rights Act 1987*.

(2) In [Schedule 2](#), a reference to a section or subsection, without an enactment being cited, is a reference to that section or subsection of the Act.

Declaration of genera and species of plants

4. For the purposes of **subsection 13 (1)** of the Act, each genus or species specified in [column 2](#) in [Schedule 1](#), in an item in that Schedule, being a genus or species of a plant, is declared to be a genus or species to which the Act applies.

¹ Notified in the *Commonwealth of Australia Gazette* on 29 April 1988.

Prescribed fees

5. The fee set out in [item 7 of Schedule 2](#) is payable to the Commonwealth by a grantee in respect of the occasions described in that item and fees as set out in that Schedule are payable to the Commonwealth in respect of acts and services specified in that Schedule by the person requesting the act or service.

Regulation 4

SCHEDULE 1

GENERA AND SPECIES

PART I

Column 1 Item	Column 2 Genus or species	Column 3 Common name of genus or species
1	<i>Anigozanthus</i>	Kangaroo paw
2	<i>Brassica</i> (oilseed species only)	
3	<i>Gossypium</i>	Cotton
4	<i>Macadamia</i>	
5	<i>Malus</i>	Apple
6	<i>Phalaris</i>	
7	<i>Phaseolus vulgaris</i>	Bean
8	<i>Rosa</i>	Rose

PART II

Column 1 Item	Column 2 Genus or species	Column 3 Common name of genus or species
1	<i>Agrostis</i>	Bent
2	<i>Alstroemeria</i>	
3	<i>Artanema</i>	
4	<i>Avena</i>	Oats
5	<i>Carica</i>	Paw paw
6	<i>Chamelaucium</i>	Geraldton wax
7	<i>Citrus</i>	
8	<i>Cynodon</i>	Bermuda grass
9	<i>Decaspermum</i>	
10	<i>Dianthus</i>	Carnation
11	<i>Eucalyptus</i>	
12	<i>Festuca</i>	Tall fescue
13	<i>Fragaria</i>	Strawberry
14	<i>Freesia</i>	
15	<i>Gerbera</i>	
16	<i>Glycine max</i>	Soybean

17	<i>Grevillea</i>	
18	<i>Helianthus annuus</i>	Sunflower
19	<i>Lactuca sativa</i>	Lettuce
20	<i>Lechenaultia</i>	
21	<i>Lilium</i>	Lily
22	<i>Lolium</i>	Ryegrass
23	<i>Lycopersicon</i>	Tomato
24	<i>Medicago</i>	
25	<i>Melaleuca</i>	
26	<i>Metrosideros carminea</i>	
27	<i>Orchidaceae</i> (all genera and species)	
28	<i>Ornithopus</i>	Serradella
29	<i>Panicum</i>	
30	<i>Petsea americana</i>	Avocado
31	<i>Pisum</i>	Pea
32	<i>Prunus</i>	Almond
33	<i>Rhododendron</i>	
34	<i>Rubus</i>	
35	<i>Schlumbergera</i> (<i>Zygocactus</i>)	
36	<i>Setaria</i>	
37	<i>Solanum tuberosum</i>	Potato
38	<i>Stenotaphrum</i>	
39	<i>Stylosanthes</i>	Stylos
40	<i>Trifolium</i>	Clover
41	<i>Vitis</i>	Grape
42	<i>Zea mays</i>	Corn
43	<i>Zoysia</i>	

Regulation 5

SCHEDULE 2

FEES

Column 1 Item	Column 2 Act, service or occasion in respect of which a fee is payable	Column 3 Fee
		\$
1	Consideration under section 18 of an application	300
2	Consideration of a request under subsection 19 (1) to vary an application	55
3	Consideration of an objection lodged under subsection 20 (1)	60 (plus \$ 50 per hour after the first 2 hours)
4	Preparing and giving under section 21 a copy of an application or objection	50
5	Consideration under subsection 26 (1) of an application	1000
6	Preparing and issuing under subsection 26 (5) a certificate of plant variety rights	200

7	Each anniversary of the grant of plant variety rights to the grantee	200
8	Consideration of information supplied under subsection 31 (1)	100
9	Consideration under subsection 35 (8) of an application under subsection 35 (7)	600
10	Consideration of a request under subsection 39 (4)	100
11	Collating and issuing, by the Secretary or Registrar, of publications in relation to plant varieties	50 (per hour)
12	Undertaking, by the Secretary or Registrar, of any other work required or requested by a person to be done in relation to the Act	50 (per hour)
