

Plant Variety Rights Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and after being informed by the Minister of State for Primary Industries and Energy that the Minister has considered advice referred to in **subsection 13 (2)** of the *Plant Variety Rights Act 1987* in relation to each genus or species of plant that, by virtue of these Regulations, is declared to be a genus or species to which that Act applies, hereby make the following Regulations under that Act.

Dated 14 June 1989.

BILL HAYDEN

Governor-General

By His Excellency's Command,

JOHN KERIN

Minister of State for Primary Industries and Energy

Commencement

1. These Regulations commence on 1 July 1989.

Principal Regulations

2. In these Regulations, "Principal Regulations" means the Plant Variety Rights Regulations.

Interpretation

3. **Regulation 3** of the Principal Regulations is amended by adding at the end the following subregulation:

"(3) In Schedule 1, where the common name of a genus or species of plant, or of a member of a genus or species of plant, is specified in column 3 of an item in that Schedule, that common name does not affect the meaning of the taxon specified in column 2 of that item."

¹ Notified in the *Commonwealth of Australia Gazette* on 21 June 1989.

² Statutory Rules 1988 No. 62 as amended by 1988 No. 369.

Declaration of genera and species of plants

4. **Regulation 4** of the Principal Regulations is amended by adding at the end the following subregulation:

“(2) For the purposes of **subsection 13 (1)** of the Act, a genus or species of plant that:

- (a) produces fruit, vegetables, nuts or grain legumes that are commonly harvested for consumption by persons or animals;
- (b) produces oil seeds that are commonly harvested for extraction of oil or for consumption by persons or animals;
- (c) is commonly used as a turfgrass; or
- (d) is herbage or a pasture legume commonly used for the purpose of feeding animals;

not being a genus or species of plant specified in column 2 of Schedule 1, is declared to be a genus or species to which the Act applies.”.

Prescribed fees

5. **Regulation 5** of the Principal Regulations is amended:

- (a) by omitting “**item 7**” and substituting “**item 11**”;
- (b) by omitting “by the person requesting the act or service”.

6. After **regulation 5** of the Principal Regulations the following regulation is inserted:

Notice—paragraph 35 (1) (b) of the Act

“6. For the purposes of **paragraph 35 (1) (b)** of the Act, notice shall be given in writing.”.

Schedule 1

7. Schedule 1 to the Principal Regulations is amended:

- (a) by adding at the end of the heading to **column 3** in **Parts I and II** “or a member thereof”;
- (b) by omitting from **column 2** in **item 7** in **Part I** “*vulgaris*”;
- (c) by omitting from **column 2** in **item 18** in **Part II** “*annuus*”;
- (d) by omitting from **column 2** in **item 19** in **Part II** “*sativa*”;
- (e) by omitting from **column 2** in **item 37** in **Part II** “*tuberosum*”;

(f) by omitting **Part III** and substituting the following Parts:

PART III

Column 1 Item	Column 2 Genus or species	Column 3 Common name of genus or species or a member thereof
1	Acacia	
2	Achimenes	
3	Acmena	
4	Actinidia	Kiwifruit
5	Agapanthus	
6	Allium	Onion
7	Arachis	
8	Begonia	
9	Bothriochloa	
10	Bromus	
11	Callistemon	
12	Carthamus tinctorius	Safflower
13	Casuarina	
14	Choisya	
15	Chrysanthemum	
16	Cicer	Chickpea
17	Cuphea	
18	Cyclamen	
19	Cyphomandra	
20	Dactylus	Cocksfoot
21	Daucus carota	Carrot
22	Desmanthus	
23	Dryandra	
24	Duboisia	
25	Elacocarpus	
26	Euphorbia pulcherrima	Poinsettia
27	Hordeum	Barley
28	Impatiens	
29	Indigofera	
30	Juglans	Walnut
31	Kalanchoe	
32	Limonium	
33	Linum	Linseed
34	Litchi	
35	Lotus	
36	Lupinus	
37	Macropidia	Black kangaroo paw
38	Mangifera	
39	Nephelium	
40	Olea	
41	Paspalum	
42	Pennisetum	Millet

43	Pinus	
44	Piper	
45	Pyrus	Pear
46	Rhipsalis	
47	Sesamum	Sesame
48	Sorghum	
49	Streptocarpus	
50	Syzygium	
51	Telopea	
52	Thryptomene	
53	Vigna	Mungbean
54	Zantedeschia	

PART IV

Column 1	Column 2	Column 3
Item	Genus or Species	Common name of the genus or species or a member thereof
1	Abelmoschus	Okra
2	Aechynomene	Joint vetch
3	Afromomum	Guinea grains
4	Agropyron	Couch (not Queensland blue)
5	Aira	Silvery hair grass
6	Aleurites	Tung
7	Alopecurus	Kneed foxtail
8	Alysicarpus	
9	Amaranthus	
10	Anacardium	Cashew
11	Ananas	Pineapple
12	Annona	Custard apple, Soursop
13	Anthoxanthum	Sweet vernal grass
14	Apium	Celery
15	Areca	Betel nut
16	Armoracia	Horseradish
17	Arrhenatherum	Tall oat grass
18	Artocarpus	Jackfruit
19	Asparagus	
20	Astragalus	Milk vetch
21	Axonopus	
22	Azaderachta	Neem
23	Bactris	Peach palm
24	Banksia	
25	Basella	Ceylon spinach
26	Bassia	
27	Bertholletia	Brazil-nut
28	Beta	Beet, Silver beet
29	Boronia	

30	Bougainvillea	
31	Brachiaria	Signal grass
32	Briza	Shivery grass
33	Butyrospermum	
34	Cajanus	Pigeon pea
35	Calopogonium	Calopo
36	Camelina	
37	Canavalia	Jack bean
38	Canna	Arrowroot
39	Capsicum	Capsicum
40	Carpobrotus	Hottentot Fig
41	Carya	Pecan
42	Caryocar	Souari nut
43	Castanea	European plum
44	Cenchrus	Buffel grass.
45	Centrosema	Centro
46	Ceratonia	Carob
47	Chloris	Rhodes grass
48	Cichorium	Chickory, Endive
49	Citrullus	Melon
50	Clitoria	Butterfly pea
51	Cocos	Coconut
52	Coffea	Coffee
53	Cola	Kola nut
54	Corchorus	Jute
55	Corylus	Hazel-nut
56	Crambe	Crambe
57	Crescentia	Calabash
58	Cucumis	Rockmelon
59	Cucurbita	Pumpkin, Zucchini, Gourd
60	Cyamopsis	Guar
61	Cydonia	Quince
62	Cynara	Globe artichoke
63	Cynosurus	Crested dogtail
64	Danthonia	Wallaby grass
65	Darwinia	
66	Desmodium	Desmodium
67	Digitaria	Summer grass, Pangola
68	Dimocarpus	Longan
69	Dioscorea	Yam
70	Diospyros	Persimmon
71	Dolichos	Lab lab bean
72	Durio	Durian
73	Echinochloa	Barnyard grass, Japanese millet
74	Ehrharta	Veldt grass
75	Elaeis	Oil palm

76	Eleusine	Crowfoot grass
77	Eragrostis	Bay grass
78	Eriobotrya	Loquat
79	Eriodendron	
80	Eugenia	
81	Feijoa	Feijoa, Pineapple guava
82	Ficus	Fig
83	Galactia	Frijolillo
84	Garcinia	Mangosteen
85	Ginkgo	Ginkgo
86	Glyceria	Floating sweet grass
87	Guizotia	Niger
88	Hemerocallis	
89	Hibiscus	
90	Holcus	Yorkshire fog
91	Humulus	Hop
92	Hyparrhenia	South African blue stem
93	Ilex	Holly, Mate
94	Ipomoea	Sweet potato, Kankong
95	Jatropha	
96	Jessenia	
97	Lagurus	Harestail
98	Lansium	Langsat
99	Lens	Lentil
100	Lepidium	Garden cress
101	Lespedeza	Lespedeza
102	Leucaena	Leucaena
103	Lotonosis	Lotonis
104	Macroptilium	Phasey bean
105	Macrotyloma	Lab lab
106	Madhuca	
107	Manihot	Cassava
108	Manilkara	Sapodilla
109	Maranta	True arrowroot
110	Melilotus	Bokhara clover
111	Melinis	Molasses grass
112	Mentha	Peppermint
113	Metroxylon	Sago palm
114	Moringa	
115	Morus	Black mulberry
116	Mucuna	Velvet bean
117	Murraya	Curry leaf
118	Musa	Banana
119	Nardus	Mat grass
120	Nelumbo	Lotus
121	Neonotonia	

122	Nicotiana	
123	Nipa	Nipa palm
124	Notodanthonia	Heath grass
125	Oenanthe	
126	Onobrychis	Sainfoin
127	Orbingnyu	Babassu palm
128	Pachyrrhizus	Yam bean
129	Papaver	Poppy
130	Passiflora	Passionfruit
131	Pastinaca	Parsnip
132	Peril la	Peril la
133	Petroselinum	Parsley
134	Phleum	Timothy grass
135	Phoenix	Date palm
136	Pimelea	
137	Pistacia	Pistachio
138	Poa	Winter grass, Kentucky Blue grass
139	Psidium	Guava
140	Psophocarpus	Winged bean
141	Psoralea	Woolly flowered scurfy pea
142	Puccinellia	Puccinellia
143	Pueraria	Puero
144	Punica	Pomegranate
145	Quararibea	South American sapote
146	Raphanus	Radish
147	Rheum	Rhubarb
148	Rhynhcosia	
149	Ribes	Gooseberry, Blackcurrant
150	Ricinus	Castor
151	Rorippa	Watercress
152	Rosmarinus	Rosemary
153	Rubus	
154	Rungia	
155	Salvia	Sage, Chia
156	Sambucus	Elderberry
157	Santalum	Quandong
158	Sapium	Tallow tree
159	Sauropus	
160	Sechium	Choko
161	Shorea	
162	Sicglingia	Heath grass
163	Simmondsia	Jojoba
164	Sinapsis	White mustard
165	Spinacia	True spinach
166	Stachys	Chinese artichoke
167	Stipa	Bamboo grass, Needle grass

168	Tamarindus	Tamarind
169	Telfairia	Fluted pumpkin
170	Teramnus	
171	Thaumatococcus	
172	Thea	Tea
173	Theobroma	Cocoa
174	Trichilia	
175	Urochloa	Sabi grass, Liver grass
176	Vaccinium	Cranberry, Blueberry
177	Vateria	
178	Verticordia	
179	Vicia	Faba bean
180	Voandzeia	Bambara groundnut
181	Vulpia	Vulpia hair grass
182	Xanthosoma	Taro
183	Zingiber	Ginger
184	Zornia	

Schedule 2

8. Schedule 2 to the Principal Regulations is repealed and the following Schedule substituted:

SCHEDULE 2

Regulation 5

FEES

Column 1 Item No.	Column 2 Act, service or occasion in respect of which fee is payable	Column 3 Fee
		\$
1	On lodgment of an application under subsection 15(1) for plant variety rights	350
		\$
2	On making a request under subsection 19 (1) to vary an application	65
3	On lodgment of an objection under subsection 20 (1)	180
4	Giving a copy under section 21 of an application or an objection	60
5	For consideration of an application that has been accepted under subsection 18 (1)	1200
6	On grant of plant variety rights under section 26	235
7	Amendment of the Register under subsection	120

	31 (1)	
8	On making an application under subsection 35 (7) for the revocation of plant variety rights	700
9	On making a request under subsection 39 (4)	120
10	Giving a copy under section 49 of an entry in the Register	60
11	On each anniversary of the grant of plant variety rights to the grantee	235
12	On providing copies of a publication in relation to plant varieties	\$7.00 for the first 10 pages and 50c per page thereafter \$60 per hour or part thereof
13	For the undertaking, upon request of a person, by the Secretary or the Registrar of any work required or authorised under the Act and for which a fee is not prescribed under any other item	
