



**Plant Breeder's Rights Amendment Regulations 1999 (No. 1) Plant Breeder's Rights
Amendment Regulations 1999 (No. 1)**

Statutory Rules 1999 No. 83

I, WILLIAM PATRICK DEANE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations under the *Plant Breeder's Rights Act 1994*.

Dated 28 May 1999.

WILLIAM DEANE
Governor-General

By His Excellency's Command,

MARK VAILE
Minister for Agriculture, Fisheries and Forestry



Plant Breeder's Rights Amendment Regulations 1999 (No. 1)¹

Statutory Rules 1999 No. 83²

made under the

Plant Breeder's Rights Act 1994

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Schedule 1 Amendments

1 Name of regulations

These regulations are the *Plant Breeder's Rights Amendment Regulations 1999 (No.1)*.

2 Commencement

These regulations commence on gazettal.

3 Amendment of Plant Breeder's Rights Regulations

Schedule 1 amends the Plant Breeder's Rights Regulations.

Schedule 1 Amendments
(regulation 3)

[1] Regulation 1

substitute

1 Name of regulations

These regulations are the *Plant Breeder's Rights Regulations 1994*.

[2] After subregulation 3A (2)

insert

- (3) The Secretary must give the operator of the establishment written notice of:
- (a) the Secretary's decision whether to authorise the establishment; and
- (b) if the decision is a refusal — the reasons for that decision.
- (4) Subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary to refuse to authorise an establishment.

[3] Regulation 4 (second occurring)

substitute

5 Refund and remission of fees in specified circumstances

- (1) If a person has paid, in respect of a matter, an amount greater than the prescribed fee for the matter, the Secretary may refund to the person so much of the amount as is excess to the fee.
- (2) If a service in respect of which a person has paid a fee has not been provided, or has been provided only in part, the Secretary may refund the fee, or so much of the fee as is proportionate to the part of the service that has not been provided, as appropriate.
- (3) If a person to whom a refund could be made under subregulation (1) or (2) agrees, the Secretary may remit, against a fee that the person subsequently becomes liable to pay, an amount equal to the amount that could be refunded.
- (4) The Secretary must give each person to whom subregulation (1) or (2) applies written notice of:
- (a) the Secretary's decision whether to refund or remit an amount, a fee or part of a fee (as the case may be); and
- (b) if the decision is a refusal — the reasons for that decision.
- (5) Subject to the *Administrative Appeals Tribunal Act 1975*, application may be made to the Administrative Appeals Tribunal for review of a decision of the Secretary:

- (a) to refuse to refund:
 - (i) an amount paid in excess of a prescribed fee; or
 - (ii) a fee for a service that has not been provided; or
 - (iii) so much of a fee as is proportionate to the part of a service that has not been provided; or
 - (b) to refuse to remit an amount equal to an amount that could be refunded.
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Notes

1. These regulations amend Statutory Rules 1994 No. 352, as amended by 1994 No. 353; 1995 No. 290.
 2. Made by the Governor-General on 28 May 1999, and notified in the *Commonwealth of Australia Gazette* on 4 June 1999.
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