

Plant Breeder's Rights Regulations 1994 No. 352

EXPLANATORY STATEMENT

STATUTORY RULES 1994 No. 352

Issued by the Authority of the Minister for Primary Industries and Energy

Plant Breeder's Rights Act 1994

Plant Breeder's Rights Regulations

The Plant Breeder's Rights Act 1994 (the Act), provides for the payment of fees for services performed by the Plant Breeder's Rights Office during the examination of applications for, and granting of, plant breeder's rights and for other services performed in relation to the granting of plant breeder's rights.

Subsection 80(1) of the Act provides that the Governor-General may make regulations prescribing all matters required or permitted or necessary or convenient for carrying out, or giving effect to, the Act.

Subsection 80(2) specifically provides that the Governor -General may make regulations prescribing fees for various stipulated services performed by the Plant Breeder's Rights Office.

Section 78 provides for the repeal of the Plant Variety Rights Act 1987 and, commensurately, the repeal of the Plant Variety Rights Regulations in which fees for administrative services are scheduled.

Regulations were made before commencement under Section 4 of the Acts Interpretation Act 1901.

Transitional arrangements are provided for under Subsection 83(1) whereby provisions of the old Act, and corresponding fees, apply to applications lodged before the commencing day for the Plant Breeder's Rights Act 1994.

The fees under Plant Breeder's Rights Act 1994 are the same as the respective fees for services prescribed under the old Act, however, there are new fees in the schedule for services to be performed in relation to Section 40 ("essential derivation") and Subsection 19 (11) both of which arise from additional provisions in the new Act.

The regulations came into effect on the day of commencement of the Plant Breeder's Rights Act 1994.