

## Plant Variety Rights Amendment Regulations 1997

PURSUANT to section 38 of the Plant Variety Rights Act 1987, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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- 1 Title and commencement**
- (1) These regulations may be cited as the Plant Variety Rights Amendment Regulations 1997, and are part of the Plant Variety Rights Regulations 1988<sup>1</sup> (**the principal regulations**).
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 2 Colour photographs to be supplied with certain applications**
- The principal regulations are amended by inserting, after regulation 5, the following regulation:

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<sup>1</sup> SR 1988/101

Amendment No 1: SR 1989/227

Amendment No 2: SR 1993/146

“5A

- (1) This regulation applies to every variety of plant other than herbage, agricultural crops, plants grown for the purpose of harvesting vegetables, and fungi.
- “(2) An application for a variety of plant to which this regulation applies must be accompanied by—
  - “(a) A satisfactory photograph of all or part of a typical plant of the variety, showing the variety’s distinguishing features; or
  - “(b) 2 or more satisfactory photographs (each being a photograph of all or part of a typical plant of the variety) that together show the variety’s distinguishing features.
- “(3) A photograph is satisfactory if—
  - “(a) It is photograph of a plant that has been propagated from the original bred or discovered plant concerned (not of that original plant); and
  - “(b) It is a positive colour print (not a slide, transparency, or other negative); and
  - “(c) It is clear enough and large enough to enable the subject-matter to be easily identified.”

DIANE WILDERSPIN,  
Acting for Clerk of the Executive Council.

**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force 28 days after notification in the *Gazette*, require applications for the registration under the Plant Variety Rights Act 1987 of new varieties of plant (other than herbage, agricultural crops, vegetables, and fungi) to be accompanied by appropriate colour photographs.

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