



October 2014

Via email: consultation@ipaaustralia.gov.au.

I am pleased to provide the following submission on behalf of the Australian Seed Federation which discusses possible alternative mechanisms to the Plant Breeder's Rights Advisory Committee to provide advice on plant breeder's rights. The submission provides responses to the questions posed in this paper.

The Australian Seed Federation is also pleased to confirm that it is interested in receiving any updates about this consultation.

All correspondence regarding this submission and the consultation process can be addressed to:

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If you have any questions do not hesitate to contact me.

Yours sincerely

Bill Fuller
Chief Executive Officer
Australian Seed Federation



Australian Seed Federation
SOWING SEEDS

ABN 66 003 160 638

**Australian Seed Federation
Submission into the
Review of the
Plant Breeder's Rights
Advisory Committee**

October 2014



Introduction

The Australian Seed Federation (ASF) is the peak national body representing the interests of Australia's sowing seed industry.

The membership of ASF comprises stakeholders from all sectors of the seed supply chain including: plant breeders, seed growers, seed processors and seed marketers, all of whom were consulted in the preparation of this submission.

The ASF was a key player responsible for the introduction of Plant Breeders Rights legislation into Australia in 1987 and has since continued to represent the interests of plant breeders. The ASF has had representation on Plant Breeder's Rights Advisory Committee for a significant proportion of the time of its existence and as such is in a good position to make comments on possible alternative mechanisms to the Plant Breeder's Rights Advisory Committee to provide advice on plant breeder's rights.

Questions

1. Which is your preferred option for providing advice on plant breeder's rights? Please provide reasons for your preference, including why the other options are not preferred.

The ASF's preferred option for providing advice on plant breeder's rights is Option 1: A consultative group supported by IP Australia. This option has the benefit of actively involving stakeholders on a regular basis. The ASF's experience with the current Plant Breeder's Rights Advisory Committee is that it meets two times a year which is not considered frequent enough.

The ASF's view of Option 2: cross-government advisory committee coordinated by IP Australia is that while it has merit as it provides the ability to respond to changing government priorities and readily adjust the membership, the very nature means it may be slow to fully recognise industry priorities.

Similarly, Option 3: Experts are engaged on a case-by-case basis with IP Australia as Secretariat may be slow to recognise or identify plant breeder's rights issues. Components of this option could be incorporated with option 1 where engagement of specialist technical advice on particular plant breeder's rights issues identified by the consultative group.

2. Are there any other options for providing advice on plant breeder's rights that are not considered in this paper that may achieve the same result?

The ASF supports the adoption of Option 1 with components of option 3 as outlined above. Regular meeting of stakeholders will identify issues in a timely manner and the ability to engage experts on particular identified issues as required will progress resolution.

3. Are there any issues associated with removing section 42 from the *Plant Breeder's Rights Act 1994*?

The ASF foresees no issues associated with removing section 42 from the *Plant Breeder's Rights Act 1994*

4. Are there any issues associated with removing section 49 from the *Plant Breeder's Rights Act 1994*, or with providing the Secretary or Registrar the power to impose such conditions, rather than the Minister?

The ASF foresees no issues associated with removing section 49 from the *Plant Breeder's Rights Act 1994*, or with providing the Secretary or Registrar the power to impose such conditions, rather than the Minister.
Ends