PVR Regulations: Proposal to amend quantities of seed required with an application

# Current situation

The Plant Variety Rights Act 1987 requires the prescribed quantity of seed to be provided with certain PVR applications. These quantities are set out in Schedule 1 of the PVR Regulations 1988.

The PVR Bill carries over this requirement and seed quantities will be set out in in Schedule 4 of the new PVR Regulations.

# Background

In recent years the current seed quantities have been found to be insufficient to meet the needs of testing and the variety collection, particularly in the longer term. Going back to breeders to request relatively small quantities is inefficient on the part of the PVR Office and for many breeders simply irritating. Some have expressed the view that they would much prefer being asked for more at application. Sourcing seed of a variety after application or within a few years of grant has a risk in that the new seed supplied my not be true to type and not be truly representative of the variety. The seed sample in the collection for a single variety would be from a number of generations and possibly have reduced uniformity. This also has potential implications on the quality of grant decisions, where comparison varieties cannot be adequately relied on as being true to type.

The variety collection has been a topic of discussion at the annual Technical Working Group for Pasture Varieties, with passing discussion around quantity of seed required. The broad consensus from that Group is that the PVR Office should just request what it needs with the size of any likely increase in quantity of no significance to the applicant.

# Reason for change

The seed sample is used for two main purposes.

* Provides representative seed of the variety for longer term holding in the PVR Reference Collection of Agricultural Varieties
* Provides seed for DUS testing of the variety and if granted, seed as a similar or reference variety for future DUS testing.

The current seed schedule for certain species is insufficient to meet the above purposes.

# Consultation with users

The proposal below was circulated to members of the PVR Technical Focus Group for Pasture Species in mid-March 2019 with a single positive response. As stated earlier the amount of seed to be supplied has come up previously and no user raised any objection to providing more.

# Proposal

The table sets out the current and proposed quantities

|  |  |  |  |
| --- | --- | --- | --- |
| **Species** | **Existing seed (g)** | **Proposed seed (g)** | **Change** |
| Allium, amaranthus, capsicum, chicory, phacelia, radish | 50 | 50 |  |
| Forage Brassica | 50 | 200 | +150 |
| carrot, lettuce, parsnip, tomato | 30 | 30 |  |
| Brassica (other than forage) | 30 | 30 |  |
| Evening primrose | 10 | 10 |  |
| Grasses; brome, ryegrass | 500 | 500 |  |
| Grassses: crested dogstail, koeleria, paspalum | 50 | 50 |  |
| Grasses: cocksfoot | 50 | 100 | +50 |
| Grasses: fescue | 50 | 500 | +450 |
| Grasses: bents, phalaris, Yorkshire fog | 10 | 20 | +10 |
| serradella and sulla | 100 | 100 |  |
| Lotus, Lucerne, plantain, red clover | 50 | 50 |  |
| yarrow | 25 | 25 |  |
| White clover | 10 | 10 |  |
| Peas | 3000 | 3000 |  |
| Barley, oats, ryecorn, triticale, wheat | 2000g + 100 ears | 2000g +120 ears | + 20 ears |
| Beans, lentils, lupins, maize | 2000 | 2000 |  |
| Linseed | 1000 | 1000 |  |
| Beets | 500 | 500 |  |
| Sunflower | 1000 | 1000 |  |
| Asparagus, borage | 100 | 100 |  |
| cucurbits | 100 | 100 |  |