

PLANT BREEDERS' RIGHTS

389. Hon KIM CHANCE to the minister representing Minister for Primary Industry:

Is the minister now able to answer the question that I asked on 18 October this year in relation to the plant breeders' rights matter? For the minister's guidance, the question was -

I refer to an application that was made jointly by Agriculture Western Australia and the Rural Industries Research and Development Corporation under the plant breeder's rights law 1973 in the state of Israel, application No 3042/99, registered on 25 May 1999. This application was for plant breeders' rights for a variety with the commercial name "Moon Dance".

- (1) Did funds from Agriculture Western Australia accompany this application?
- (2) If so, what program were those funds drawn from?
- (3) Who within Agriculture WA has the principal authority to sign applications on intellectual property matters?
- (4) Has that authority been delegated?
- (5) Has this delegation of authority been conferred in writing as is required by the Public Sector Management Act 1994?
- (6) To whom was this authority delegated in May 1999?
- (7) Does the document that I have provided with this question bear the signature of the authorised person?
- (8) Whose signature appears on the document and what agency or corporation does that person represent?
- (9) Do transactions of this nature require the affixation of the director general's common seal under the Agriculture Act 1988?
- (10) If so, was the common seal affixed as required?

Hon M.J. CRIDDLE replied:

The preamble, about whether it is available or not, is not in the question; however, I thank the member for some notice of this question.

- (1) No. However, the cost of the application will be recovered from royalties payable, in due course, to Agriculture Western Australia.
- (2) Not applicable.
- (3) The chief executive officer of Agriculture Western Australia.
- (4) Agriculture Western Australia has appointed a licensee in Israel.
- (5)-(6) Not applicable.
- (7) The licensee has been authorised to file an application for a plant breeder's right in Israel. The signature on the application has been accepted by the relevant office in Israel as an authorised signature.
- (8) The signature belongs to Mr Colin Meltzer, an officer of ASANZ Plants, Agriculture Western Australia's licensee in Israel.
- (9)-(10) Crown Law has advised that the question seeks a legal opinion and, without more information on Israeli law, it is not possible to provide any definite answer to the question.