



COVERSHEET

Minister	Hon Dr David Clark	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Plant Variety Rights Bill: Approval for Introduction	Date to be published	22 June 2021

List of documents that have been proactively released

Date	Title	Author
6 May 2021	Plant Variety Rights Bill: Approval for Introduction	Office of the Minister of Commerce and Consumer Affairs
6 May 2021	LEG-21-MIN-0051	Cabinet Office – Cabinet Economic Development Committee

Information redacted

YES

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of Confidential advice to Government.



Cabinet Legislation Committee

Minute of Decision

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Plant Variety Rights Bill: Approval for Introduction

Portfolio Commerce and Consumer Affairs

On 6 May 2021, the Cabinet Legislation Committee:

Confidential advice to Government

- 2 **noted** that the Bill gives effect to:
 - 2.1 the Crown's obligations under the Treaty of Waitangi; and
 - 2.2 New Zealand's obligations under the Comprehensive and Progressive Agreement on Trans-Pacific Partnership in relation to the 1991 revision of the International Convention for the Protection of New Varieties of Plants;

Policy decision

- 3 **agreed** that the regulation-making power for setting fees within the plant variety rights regime is sufficiently flexible to encompass:
 - 3.1 setting fees and hourly charges for aspects of the work of the PVR Office in assessing applications; and
 - 3.2 renewal fees that recover a share of the costs incurred by the Commissioner in performing functions under the Act, and recover those costs at a level that provides an appropriate incentive for rights holders to let PVRs lapse;
- 4 **noted** that, while the Māori Plant Varieties Committee can take an investigative approach to decision-making, including requesting further information and convening hui, it is not intended that the Committee have coercive powers in support of this approach;

Approval for introduction

- 5 **approved** the Plant Variety Rights Bill [PCO 21920/4.0] for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 6 **agreed** that the Bill be introduced shortly after Cabinet consideration;

- 7 **agreed** that the government propose that the Bill be:
- 7.1 referred to the Economic Development, Science and Innovation Committee for consideration; and
 - 7.2 enacted by the end of 2021.

Rebecca Davies
Committee Secretary

Present:

Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon Kris Faafoi
Hon Michael Wood (Deputy Chair)
Hon Dr David Clark
Keiran McAnulty, MP (Senior Government Whip)

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

Hard-copy distribution:

Minister of Commerce and Consumer Affairs