



COVERSHEET

Minister	Hon Dr David Clark	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Policy decisions on Plant Variety Rights Regulations	Date to be published	17 December 2021

List of documents that have been proactively released		
Date	Title	Author
November 2021	Policy decisions on Plant Variety Rights Regulations	Office of the Minister of Commerce and Consumer Affairs
24 November 2021	DEV-21-MIN-0246	Cabinet Office – Cabinet Economic Development Committee
November 2021	Regulatory Impact Statement: Regulations to accompany new Plant Variety Rights Act	MBIE

Information redacted

YES / NO

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.



Cabinet Economic Development Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Plant Variety Rights Regulations: Policy Decisions

Portfolio **Commerce and Consumer Affairs**

On 24 November 2021, the Cabinet Economic Development Committee (DEV):

- 1 **noted** that on 6 May 2021, the Cabinet Legislation Committee approved the introduction of the Plant Variety Rights Bill (PVR Bill), which will replace the Plant Variety Rights Act 1987 [LEG-21-MIN-0051];
- 2 **noted** that new regulations will be required to implement provisions under the PVR Bill, as the current PVR Regulations are out of date and not fit for purpose;
- 3 **noted** that on 7 July 2021, DEV agreed to the release of a consultation document on proposed regulations under the PVR Bill, and invited the Minister of Commerce and Consumer Affairs to report back seeking agreement to policy proposals for inclusion in the new regulations [DEV-21-MIN-0151];
- 4 **agreed** that the new PVR regulations be based on the Patents Regulations 2014 where it makes sense to do so, with specific adjustments to accommodate the unique nature of PVRs, as set out in Annex 1 to the paper under DEV-21-SUB-0246;
- 5 **invited** the Minister of Commerce and Consumer Affairs to issue drafting instructions to the Parliamentary Counsel Office to give effect to paragraph 4 above;
- 6 **authorised** the Minister of Commerce and Consumer Affairs to approve the release of an exposure draft of the PVR regulations at the appropriate time;
- 7 **authorised** the Minister of Commerce and Consumer Affairs to make decisions consistent with the overall policy decisions in the paper under DEV-21-SUB-0246 on any matters that may arise during the drafting process or as a result of consultation on an exposure draft of the regulations.

Janine Harvey
Committee Secretary

Present: (see over)

Present:

Hon Grant Robertson (Chair)
Hon Carmel Sepuloni
Hon David Parker
Hon Poto Williams
Hon Kris Faafoi
Hon Willie Jackson
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Meka Whaitiri
Hon Phil Twyford
Hon James Shaw
Rino Tirikatene, MP
Dr Deborah Russell, MP

Officials present from:

Office of the Prime Minister
Officials Committee for DEV