



COVERSHEET

Minister	Hon Kris Faafoi	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Review of the Plant Variety Rights Act 1987: release of Options Paper for public consultation	Date to be published	5 August 2019

List of documents that have been proactively released		
Date	Title	Author
Considered by DEV on 26 June 2019	<i>Review of the Plant Variety Rights Act 1987: release of Options Paper for public consultation</i>	Office of the Minister of Commerce and Consumer Affairs
3 April 2019	<i>DEV-19-MIN-0177</i>	Cabinet Office

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 following reasons:

- Confidential advice to Government



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.

Review of the Plant Variety Rights Act 1987: Release of Options Paper

Portfolio Commerce and Consumer Affairs

On 26 June 2019, the Cabinet Economic Development Committee (DEV):

- 1 **noted** that under the *Comprehensive and Progressive Agreement for Trans-Pacific Partnership* (CPTPP), New Zealand must either accede to, or give effect to, the 1991 version of the *International Convention for the Protection of New Varieties of Plants* (UPOV 91), by 30 December 2021;
- 2 **noted** that regardless of which option is chosen, the CPTPP allows New Zealand to adopt measures it deems necessary to fulfil its obligations under the Treaty of Waitangi/Te Tiriti o Waitangi (the Treaty);
- 3 **noted** that on 5 September 2018, DEV agreed to the release of three consultation documents relating to a review of the Plant Variety Rights Act 1987 (the Act), and invited the Minister of Commerce and Consumer Affairs to report back seeking agreement to the release of an options paper in the first half of 2019 [DEV-18-MIN-0173];
- 4 **noted** that the preliminary analysis indicates that the measures necessary to meet New Zealand's Treaty obligations are not compatible with acceding to UPOV 91, and so New Zealand should instead meet its CPTPP obligations by 'giving effect' to UPOV 91;
- 5 **agreed** to release the document entitled *Options Paper: Review of the Plant Variety Rights Act 1987* (the Options Paper), attached to the submission under DEV-19-SUB-0177, for public consultation;
- 6 **authorised** the Minister of Commerce and Consumer Affairs to make editorial or minor content changes to the Options Paper prior to its public release;
- 7 **noted** that release of the Options Paper will be Confidential Advice to Government open for a period of two months;
- 8 **invited** the Minister of Commerce and Consumer Affairs to report back to DEV seeking policy decisions on amendments to the Act's regime in November 2019.

Janine Harvey
Committee Secretary

Hard-copy distribution: (see over)

Present:

Hon Grant Robertson (Chair)
Hon Phil Twyford
Hon David Parker
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Iain Lees-Galloway
Hon Shane Jones
Hon Kris Faafoi
Hon Julie Anne Genter
Hon Eugenie Sage

Officials present from:

Office of the Prime Minister
Officials Committee for DEV

Hard-copy distribution:

Minister of Commerce and Consumer Affairs

PROACTIVELY RELEASED