



COVERSHEET

Minister	Hon Dr Duncan Webb	Portfolio	Commerce and Consumer Affairs
Title of Cabinet Paper	Plant Variety Rights Regulations and Plant Variety Rights Act 2022 Commencement Order 2022	Date to be published	1 March 2023

List of documents that have been proactively released

Date	Title	Author
15 December 2023	Plant Variety Rights Regulations and Plant Variety Rights Act 2022 Commencement Order 2022	Office of the Minister of Commerce and Consumer Affairs
15 December 2022	LEG-22-MIN-0235 Minute	Cabinet Office

Information redacted

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 Legislation 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 2022 and Plant Variety Rights Act 2022 Commencement Order 2022

Portfolio Commerce and Consumer Affairs

On 15 December 2022, the Cabinet Legislation Committee:

- 1 **noted** that on 24 November 2021, the Cabinet Economic Development Committee (DEV) agreed that the regulations to support the new Plant Variety Rights Act 2022 be based on the Patents Regulations 2014 where it makes sense to do so, with specific adjustments to accommodate the unique nature of plant variety rights [DEV-21-MIN-0246];
- 2 **noted** that on 16 November 2022, DEV approved changes to the Plant Variety Rights fees structure and levels [DEV-22-MIN-0266];
- 3 **noted** that the Plant Variety Rights Regulations 2022 give effect to the decisions referred to in paragraphs 1 and 2;
- 4 **authorised** the submission to the Executive Council of the Plant Variety Rights Regulations 2022 [PCO 24320];
- 5 **noted** that the Plant Variety Rights Regulations 2022 come into force on 24 January 2023;
- 6 **noted** that some provisions of the Plant Variety Rights Act 2022 came into force the day after Royal assent, and under section 2(2) of the Act the remaining provisions must be brought into force by Order in Council within two years of Royal assent;
- 7 **noted** that subpart 3 of Part 5 of the Plant Variety Rights Act 2022 (under which the Māori Plant Varieties Committee starts considering certain PVR applications) cannot be brought into force within one year of Royal assent;
- 8 **noted** that the Plant Variety Rights Act 2022 Commencement Order 2022 bring the remaining provisions of the Plant Variety Rights Act 2022 (except subpart 3 of Part 5) into force on 24 January 2023;
- 9 **authorised** the submission to the Executive Council of the Plant Variety Rights Act 2022 Commencement Order 2022 [PCO 24866/5.0];

10 **noted** that the Plant Variety Rights Act 2022 Commencement Order 2022 comes into force on 24 January 2023.

Rebecca Davies
Committee Secretary

Present:

Hon Andrew Little
Hon David Parker
Hon Michael Wood (Chair)
Hon Dr David Clark
Hon Kieran McAnulty
Dr Duncan Webb, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG