



COVERSHEET

Minister	Hon Dr Duncan Webb	Portfolio	Commerce and Consumer Affairs
Title of briefing	Plant Variety Rights scheme fees review 2022	Date to be published	1 March 2023

List of documents that have been proactively released		
Date	Title	Author
November 2022	Plant Variety Rights scheme fees review 2022: proposed fees	Office of the Minister of Commerce and Consumer Affairs
16 November 2022	DEV-22-MIN-0266 Minute of Decision	Cabinet Office
November 2022	Plant Variety Rights scheme fees review 2022: proposed fees – Cost Recovery Impact Statement	MBIE

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:

- Some information has been withheld for the reasons of legal professional privilege

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 Scheme Fees Review 2022: Proposed Fees

Portfolio Commerce and Consumer Affairs

On 16 November 2022, the Cabinet Economic Development Committee (DEV):

- 1 **noted** that on 6 April 2022, DEV agreed to the release of a discussion document on proposed changes to Plant Variety Right (PVR) fees [DEV-22-MIN-0078];
- 2 **agreed** that the fee structure for PVR fees be changed so that there is:
 - 2.1 a single application fee, regardless of plant variety;
 - 2.2 a single examination fee, regardless of plant variety;
 - 2.3 the following categories for growing trial fees:
 - 2.3.1 agriculture and vegetable varieties (with sub-categories for seed propagated varieties and vegetatively propagated varieties);
 - 2.3.2 fruit and nut varieties (with strawberries separated from other varieties);
 - 2.3.3 ornamental varieties (with roses separated from other varieties);
 - 2.3.4 grasses and clover varieties;
 - 2.3.5 other plant varieties, including grass endophytes, fungi and algae;
 - 2.4 a cancellation or nullification application fee and request for hearing fee to recognise the new processes created in the proposed Plant Variety Rights Bill;
- 3 **Legal professional privilege** [REDACTED]
- 4 **agreed** that a reallocation of \$2.000 million interim Crown funding from four years to three years would lessen the impact of increased fees on users **Legal professional privilege** [REDACTED] and be reflected in the proposed fees outlined in paragraph 5 below;

5 **agreed** that the fees payable by users of the PVR scheme be as follows:

Fee type	Proposed fee (GST exclusive)
Application	\$625
Examination	\$770
Growing trials (per year of trial)	
Agriculture and vegetable crops	
- Seed propagated varieties (cereals, peas, forage)	\$4,200
- Vegetatively propagated varieties (potatoes, hops)	\$2,800
Fruit and nut	
- Strawberry varieties	\$290
- Other varieties – year 1	\$530
- Other varieties – subsequent years	\$700
Ornamentals	
- Rose varieties	\$130
- Other varieties – year 1	\$310
- Other varieties – subsequent years	\$450
Grasses, white clover	\$4,510
Other plant varieties including grass endophytes, fungi, and algae	\$2,800
Other fees	
Annual grant fee	\$385
Compulsory licence application	\$1,000
Cancellation or nullification application	\$350
Request for hearing	\$850

6 **agreed** that:

- 6.1 the adjusted fee levels will apply to any application made following the implementation date of the new fees;
- 6.2 the first renewal of an existing PVR after the implementation date will be the current renewal fee, with subsequent renewals being charged at the level of the new fee;

Financial implications

- 7 **approved** the following changes to appropriations to give effect to the policy decision in paragraph 4 above, with no corresponding impact on the operating balance and net debt:

	\$m – increase/(decrease)				
	2022/23	2023/24	2024/25	2025/26	2026/27 & outyears
Vote Business, Science and Innovation Minister of Commerce and Consumer Affairs					
Commerce and Consumer Affairs: Registration and Granting of Intellectual Property Rights (funded by revenue Crown)	0.300	0.100	0.100	(0.500)	-
Commerce and Consumer Affairs: Registration and Granting of Intellectual Property Rights (funded by revenue other)	(0.300)	(0.100)	(0.100)	0.500	-

- 8 **agreed** that the changes to the appropriation for 2022/23 above be included in the 2022/23 Supplementary Estimates and that, in the interim, the increase be met from Imprest Supply;
- 9 **noted** that these changes are an interim measure, with a subsequent fees review on the wider Intellectual Property regime to be undertaken before 2025/26;

Legislative implications

- 10 **invited** the Minister of Commerce and Consumer Affairs to issue drafting instructions to the Parliamentary Counsel Office to give effect to paragraphs 2 and 5 above;
- 11 **authorised** the Minister of Commerce and Consumer Affairs to make decisions on any minor or technical matters that may arise during the drafting process;
- 12 **noted** that the Minister of Commerce and Consumer Affairs will seek final approval of the regulations incorporating the increased fees from the Cabinet Legislation Committee following the passage of the PVR Bill.

Janine Harvey
Committee Secretary

Present: (see over)

Present:

Hon Grant Robertson (Chair)
Hon Dr Megan Woods
Hon David Parker
Hon Nanaia Mahuta
Hon Stuart Nash
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan
Hon Phil Twyford
Rino Tirikatene, MP
Dr Deborah Russell, MP

Officials present from:

Office of the Prime Minister
Officials Committee for DEV