



COVERSHEET

Minister	Hon Cameron Brewer	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	Amendments to the Plant Variety Rights Act	Date to be published	25 June 2026

List of documents that have been proactively released		
Date	Title	Author
April 2026	Amendments to the Plant Variety Rights Act 2022	Office of the Minister of Commerce and Consumer Affairs
29 April 2026	Plant Variety Rights Act 2022: Proposed Amendments ECO-26-MIN-0064 Minute	Cabinet Office
23 March 2026	Regulatory Impact Statement – Amendments to the Plant Variety Rights Act 2022	Ministry of Business Innovation and Employment

Information redacted

YES

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



Cabinet Economic Policy Committee

Minute of Decision

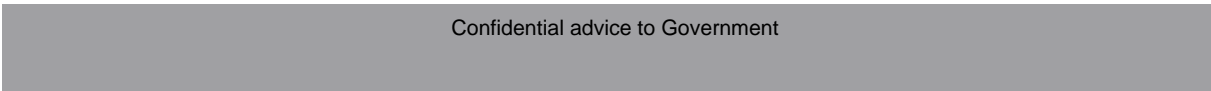
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Plant Variety Rights Act 2022: Proposed Amendments

Portfolio **Commerce and Consumer Affairs**

On 29 April 2026, the Cabinet Economic Policy Committee:

- 1 **noted** that access to new improved plant varieties is essential for increasing productivity, resilience, and export returns across agriculture and related sectors, such as biotechnology and food;
- 2 **noted** that the Plant Variety Rights Act 2022 (the PVR Act), which is administered by the Intellectual Property Office of New Zealand (IPONZ), creates a registration system that grants plant breeders and importers exclusive rights to use and commercially exploit new plant varieties and their harvested material for a defined period of time (a PVR);
- 3 **noted** that the number of new varieties reaching the New Zealand market (as measured by the number of varieties registered under the PVR Act) has been slowly declining over a long period of time;
- 4 **noted** that action is needed to address a deficit being incurred by IPONZ in its administration of the PVR Act;
- 5 **agreed** to amend the PVR Act to:
 - 5.1 extend the maximum duration of all existing and new PVR registrations to 30 years for woody plants (including vines) and potatoes and 25 years for all other plants;
 - 5.2 provide that a person infringes the PVR protected variety if the exploitation occurs on or after the application date for the application that results in the PVR being granted, but before the PVR is granted, subject to appropriate safeguards;
 - 5.3 clarify that under section 33(1) a plant variety is novel if propagating material or harvested material for the plant variety has not been distributed in New Zealand before the period beginning 12 months before the application date;
 - 5.4 clarify that under section 34(1) a plant variety is distinct if it is clearly distinguishable from any other plant variety whose existence is a matter of common knowledge at the priority date;
 - 5.5 repeal section 134(1) requiring the PVR Commissioner to keep the PVR register in New Zealand;

- 5.6 clarify that an application for a grant of a PVR may not be granted by the PVR Commissioner until they are satisfied that it complies with all requirements under the Act;
- 5.7 provide under section 156(2)(c) that the structure of the fee system may be such that renewal fees may recover costs at a level that provides appropriate incentives having regard to all the specified purposes of the Act set out under section 3;
- 6 **agreed** to merge the fee charging provisions of the PVR Act with those under the Patents Act 2013 so that fees paid under the Patents Act may be used to recover all, or some, of the costs of the PVR Commissioner in the performance of their functions, powers and duties under the PVR Act;
- 7 
- 8 **invited** the Minister of Commerce and Consumer Affairs to issue drafting instruction to the Parliamentary Counsel Office to prepare a Bill to amend the PVR Act and the fee charging provisions of the Patents Act;
- 9 **authorised** the Minister of Commerce and Consumer Affairs to make any minor amendments as required during drafting of the Bill.

Rachel Clarke
Committee Secretary

Present:

Hon David Seymour
Rt Hon Winston Peters
Hon Nicola Willis (Chair)
Hon Brooke van Velden
Hon Shane Jones
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston
Hon Simon Watts
Hon Chris Penk
Hon Penny Simmonds
Hon Andrew Hoggard
Hon Nicola Grigg
Hon James Meager
Hon Scott Simpson
Hon Cameron Brewer
Simon Court MP

Officials present from:

Office of the Prime Minister
Office of Hon Chris Penk
Office of Hon Cameron Brewer
Officials Committee for ECO