

House of Representatives

Supplementary Order Paper

Tuesday, 26 July 2022

Plant Variety Rights Bill

Proposed amendments

Andrew Bayly, in Committee, to move the following amendments:

Clause 5

In *clause 5*, after the definition of **plant variety** (page 10, after line 28), insert:

Plant Variety Intellectual Property Review Tribunal or **tribunal**
means a tribunal established under **section 127B(a)**

Clause 68A

In the *heading to clause 68A*, replace “**Māori Appellate Court**” (page 36, line 32) with “**Appeals against certain Part 5 decisions**”.

In *clause 68A(1)*, replace “Māori Appellate Court” (page 36, line 33) with “Plant Variety Intellectual Property Review Tribunal”.

In *clause 68A(2)(a)*, replace “Māori Appellate Court” (page 37, line 2) with “tribunal”.

In *clause 68A(2)(c)(ii)*, replace “Māori Appellate Court” (page 37, line 6) with “tribunal”.

Clause 68B

In *clause 68B*, replace “Māori Appellate Court” (page 37, lines 11 and 12) with “tribunal”.

Clause 68C

In *clause 68C*, replace “Māori Appellate Court” (page 37, line 14) with “tribunal”.

In *clause 68C(a)*, replace “Māori Appellate Court” (page 37, line 17) with “tribunal”.

New clause 68CA

After *clause 68C* (page 37, after line 20), insert:

68CA Appeals against Part 5 decisions where Plant Variety Intellectual Property Review Tribunal not established

If a Plant Variety Intellectual Property Review Tribunal has not been established, appeals under **section 68A** may be heard by the High Court, and **sections 68A to 68C** are to be read accordingly.

Clause 68D

Delete *clause 68D* (page 37, lines 21 to 31).

Clause 119

In *clause 119(3)*, after “may be used before” (page 57, line 1), insert “the tribunal or”.

Clause 125

In the *heading to clause 125*, replace “**High Court**” (page 59, line 2) with “**Plant Variety Intellectual Property Review Tribunal**”.

In *clause 125(1)*, replace “court” (page 59, line 3) with “Plant Variety Intellectual Property Review Tribunal”.

In *clause 125(2)(a)*, replace “court” (page 59, line 9) with “the tribunal”.

In *clause 125(2)(c)(ii)*, replace “court” (page 59, line 13) with “tribunal”.

Clause 126

In *clause 126*, replace “court” (page 59, line 21) with “tribunal”.

Clause 127

In the *heading to clause 127*, replace “**High Court**” (page 59, line 23) with “**Plant Variety Intellectual Property Review Tribunal**”.

In *clause 127(1)*,—

- (a) replace “court” (page 59, line 24) with “Plant Variety Intellectual Property Review Tribunal”;
- (b) replace “Court of Appeal” (page 59, line 25) with “High Court”.

In *clause 127(1)(d)*,—

- (a) replace “court” (page 59, line 31) with “tribunal”;
- (b) replace “Court of Appeal” (page 59, line 31) with “High Court”.

In *clause 127(2)*, replace “court” (page 59, line 32) with “tribunal”.

New clause 127A

After *clause 127* (page 59, after line 36), insert:

127A Appeals where Plant Variety Intellectual Property Review Tribunal not established

If a Plant Variety Intellectual Property Review Tribunal has not been established, appeals under **section 125** may be heard by the High Court, and **sections 125 to 127** are to be read accordingly.

Subpart 1A of Part 8

Before the *heading to subpart 2 of Part 8* (page 60, before line 1), insert:

Subpart 1A—Plant Variety Intellectual Property Review
Tribunal

127B Plant Variety Intellectual Property Review Tribunal

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—

- (a) establishing a Plant Variety Intellectual Property Review Tribunal to consider appeals on matters under this Act; and
- (b) prescribing any rules that may be necessary or desirable for the operation of the tribunal.

Schedule 2

In the *heading to Schedule 2*, delete “**to High Court**” (page 78, line 2).

Explanatory note

This Supplementary Order Paper amends the Plant Variety Rights Bill.