

SUBMISSION to Plant Variety Rights Act 1987 review

Your name and organisation

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Responses to questions in the Options Paper

1

Objectives of the PVR Act

Do you have any further comment to make on the objectives of the PVR Act?

whakapapa, which connects all life forms to each other and to Papatūānuku and Ranginui, and underlies the obligations of kaitiaki; mauri, and concern about how plant breeding may affect the mauri of plants used in breeding programmes as well as native plants in the wild.

This is imposing Maori religion/spiritual beliefs onto the rest of New Zealanders.
Plant breeding is supposed to be based on science
Religion and science, are incompatible.

2

Meeting our CPTPP obligations

Do you agree with our analysis and conclusion of the CPTPP options? If not, why not?

[Insert response here]

3

Treaty compliance – criteria for analysis

Do you agree with the criteria that we have identified? Do you agree with the weighting we have given the criteria? If not, why not?

The Treaty is NOT Law, so there CANNOT be Treaty compliance
The word "PARTNER" does occur in the Treaty.

Treaty compliance – key terms

4

Do you agree with our proposed approach to these key terms?

Do you have any comments on the principles listed above and how they might apply in practice? For example, would it be useful to specifically list non-indigenous species of significance?

Indigenous plants and animals existed for 100's of millions of years if not for billions of years, before the 13th century arrival of the first Maori settlers.

It seems that these species did just fine without any Maori "kaitiakitanga".

In fact moa and other species, would argue they are much worse off since "Maori (kaitiaki) guardian relationships ". Also the fact that early Maori burned large areas of forest, especially in the South Island, to drive out moa, so they could kill and eat them, puts a lie to the Maori claim to (kaitiaki) guardian relationships. It actually was only Maori lack of metals and advanced technology that prevented wide spread destruction by Maori. Ask the Moriori to tell you about this.

Maori may have used some indigenous plants, and there is nothing stopping them from continuing to do so, but they did not develop new varieties.

MAORI SHOULD HAVE NO MORE RIGHTS THAN ANY OTHER CITIZENS.

(Please note Maori ARE NOT INDIGENOUS to New Zealand, as they immigrated here just as everyone else did; just a bit earlier.

Treaty compliance – options analysis

5

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

THE WHOLE PREMISE IS THAT MAORI HAVE A SELF APPOINTED SPECIAL "KAITIAKI ROLE" OVER ALL INDIGENOUS PLANTS AND ANIMALS.

This is a PLAIN case of Maori declaring themselves as having superior rights because of birth/culture/religion.

This is yet another example of the NEW ARISTOCRACY; where all others have to get permission from the local Iwi for any activity such as Cultural Impact Assessments for a resource consent

Yet another attempt to control and interfere into others lawful business, usually also requiring the victim to pay Iwi for the 'consultation'

New Zealand is supposed to be a MODERN PARLIAMENTARY DEMOCRACY, where all citizens have equal rights.

MAORI SHOULD HAVE NO MORE RIGHTS THAN ANY OTHER CITIZENS.

UPOV 91 alignment – criteria for analysis

6

Do you have any comment to make about our approach to, and criteria for, the preliminary options analysis in this paper?

[Insert response here]

Definitions – breed

7

Our preferred option is to incorporate the definition of "breed" that was considered in the previous review to address concerns around discovery of varieties in the wild.

Do you agree? If not, why not?

[Insert response here]

8

Definitions – general

Do you have any comments on the definitional issues discussed in this Part?

[Insert response here]

9

Scope of the breeder’s right

Do you have any comments about these new rights required by UPOV 91?

[Insert response here]

10

Exceptions to the breeder’s right

Do you have any comments about the exceptions required by UPOV 91?

[Insert response here]

11

Term of the right

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

[Insert response here]

12

Essentially derived varieties

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

[Insert response here]

13

Rights over harvested material

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

[Insert response here]

14

Farm saved seed

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

[Insert response here]

15

Compulsory licences – general issues

Do you agree with the discussion and the proposals in relation to the five issues discussed above? If not, why not?

Other than the two substantive issues below, are there other issues we have missed?

[Insert response here]

16

Compulsory licences – grace period

Do you agree with the proposed options? Are there alternatives we have missed?

Do you agree with our analysis and conclusions? If not, why not?

[Insert response here]

Compulsory licences – section 21(3)

- 17 Do you agree with the proposed options? Are there alternatives we have missed?
Do you agree with our analysis and conclusions? If not, why not?

[Insert response here]

Enforcement – infringements

- 18 Do you agree with the discussion and the proposals in relation to the four issues discussed above? If not, why not?
Should the PVR Act provide that infringement disputes be heard in the District Court?
Are there others issues relating to infringements that we have missed?

[Insert response here]

Enforcement – offences

- 19 Do you agree with the proposed options? Are there alternatives we have missed?
Do you agree with our analysis and conclusions? If not, why not?

[Insert response here]

Exhaustion of the breeder’s right

- 20 Do you have any comments about the exhaustion provision required by UPOV 91?

[Insert response here]

Cancellation and nullification of the breeder’s right

- 21 Do you have any comments about the cancellation and nullification provisions required by UPOV 91, and MBIE’s additional proposals discussed in this section?

[Insert response here]

Extending coverage to algae

- 22 Do you have any comments to make about whether or not algae should be included within the definition of “plant” for the purposes of the PVR regime?

[Insert response here]

Provisional protection

- 23 Do you agree with our preferred option for dealing with provisional protection? If not, why not?

[Insert response here]

Transitional provisions

- 24 What is your view on the options presented here in relation to this issue? Are there alternatives we have missed?
How should transitional provisions apply to EDVs?

[Insert response here]

