

Submission to the proposed review of the Plant Variety Rights Act 1987

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I am opposed to the proposal from the Ministry of Business, Innovation and Employment (MBIE) to ask the Government to insert a Treaty clause in the Plant Variety Rights Act 1987, introducing a new decision-making process that empowers the Commissioner of Plant Variety Rights, jointly with the Chair of the Māori advisory committee, to decide whether, on the basis of the Māori advisory committee's advice, the PVR should be granted.

Every year more than 100 new varieties of plants are registered with the New Zealand Intellectual Property Office. This enables those who created those new varieties to earn royalties from licensing others to produce and sell propagating material from them. "This is nonsense, especially when discussing pasture, fruit and vegetable varieties, and ornamentals that never grew in New Zealand until settlers brought them here.

Involving the the Chair of the Māori advisory committee will create the opportunity for conflicts of interest always operate in the best interests of the entire community, and not just to serve the ambitions of private organisations or sectors (including tribes)?

How can a new variety which no one other than the creator of that variety has any knowledge of be regarded as a part of Maori knowledge?

This issue is made considerably worse by the fact that the proposal will introduce a race based authority with a primary purpose of delivering 'Maori' (undefined) privileges, entitlements and consideration that are not offered to the rest of the community. Such a structure/operation is the basis of any corrupt society and not something that bodes well for the societal health of New Zealand.

The Government must serve all the people, and not just be used to feather the nests of private business interests (including those of iwi). Therefore it must be transparent and answerable to all.

To suggest that a treaty made almost 180 years ago, guaranteeing the same political rights to all New Zealanders, also enables a property right to unnamed Maori people over a new plant breed is the height of absurdity, and suggests an ideology that should not be present in a Government Department.

Lee Short

