

## Submission on the Plant Variety Rights Act Review

My submission relates to the section – ‘Meeting obligations relating to te Tiriti o Waitangi/the Treaty of Waitangi’

I oppose the proposal to insert a Treaty of Waitangi clause in the Plant Varieties Act.

I oppose the proposals to make the PVR regime Treaty compliant.

I oppose the proposed new decision-making process which would give the Chair of the Maori advisory committee decision making power over whether a PVR should be granted.

I recommend the rejection of these proposals for the following reasons:

Plant breeders should not be subject to the power of an independent group with the right to veto the success of their endeavours, (i.e. the Maori Advisory Committee). The proposal to place authority in the hands of this committee ‘to decline to grant a PVR if it would adversely affect kaitiaki interests and mitigation of these impacts was not possible’, puts this committee in a hugely powerful situation. As does the proposal that the definitions of terms ‘kaitiaki’ and ‘taonga’ not be too prescriptive to allow for diversity of opinions.

Such proposals would succeed in disincentivising plant breeders. It would make an already difficult process very risky. Not only would they risk having their PVR turned down because of the reasons outside their control, as I have outlined above, but they would also be concerned about the commercial risk in revealing information about breeding activities as part of kaitiaki engagement.

I also object to the proposals on the grounds that ‘meeting obligations relating to the Treaty of Waitangi’ in the manner proposed in this Options Paper is a disturbing threat to New Zealand’s democracy. The proposed joint decision-making arrangement is a manifestation of a political agenda which seeks to introduce dual sovereignty/governance over the people of New Zealand. (See the Report of Matike Mai Aotearoa - the Independent Working Group on Constitutional Transformation. The link is here: <https://nwo.org.nz/wp-content/uploads/2018/06/MatikeMaiAotearoa25Jan16.pdf>).

There is no mandate from the people of New Zealand for such an anti-democratic change to our constitutional arrangements. The Government’s last constitutional review (2012/13) concluded that there was no widespread support for constitutional change. The review panel reported back with an overall recommendation that we keep discussing New Zealand’s constitutional arrangements. However, what is being proposed in the Options Paper goes much further than a conversation - it is instituting constitutional change, not with the consent of the people, but by introducing it in an insidious manner – out of sight of the general public, and in a less than transparent manner.

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