
From: Bryce Lyall [<mailto:bryce@lyallthornton.com>]

Sent: Monday, 9 September 2019 4:45 p.m.

To: Plant Variety Rights Act Review

Subject: Feedback on options paper

Kia ora,

This email is sent to set out feedback on behalf of our clients, the claimants for Wai 2523 in the Waitangi Tribunal's CPTPP Inquiry.

Rio Greening and Hone Tiatoa have attended MBIE organised events for this kaupapa, and have provided initial feedback in person. We make the further brief comments on their behalf below:

1. While social contract theory is rightly identified as underpinning the regime, balance is key. People or businesses involved in creation of new varieties require compensation, but in a New Zealand context some taonga species are not, and may never be, appropriate for commercial exploitation.
2. Matauranga Māori needs to be at the forefront of decision making and design of this process.
3. There are issues that will need to be addressed about the makeup, appointment, and role of any Māori advisory group. The Wai 262 panel suggested that the Māori group should be established by Māori rather than formed by MBIE.
4. The committee should be enabled to make a binding decision on granted a PVR in cases where kaitiakitanga is invoked.
5. Any advisory committee will need adequate funding.

Bryce Lyall



Bryce Lyall Partner Lyall & Thornton

phone: (09) 889 1835

mobile: 022 658 1895

address: PO Box 60649 Titirangi Auckland

web: www.lyallthornton.com

email: bryce@lyallthornton.com

skype: bryce.lyall