

# Hon Dr David Clark

MP for Dunedin

Minister of Commerce and Consumer Affairs  
Minister for the Digital Economy and Communications  
Minister for State Owned Enterprises  
Minister of Statistics  
Minister Responsible for the Earthquake Commission



18 MAY 2022

Jacque Lethbridge  
President  
New Zealand Law Society  
Email: [aimee.bryant@lawsociety.org.nz](mailto:aimee.bryant@lawsociety.org.nz)

CCDC 2122 731

Dear Jacque,

Thank you for your email of 19 April 2022 regarding changes to the New Zealand Law Society's submission to the Economic Development, Science and Innovation Committee on the Plant Variety Rights Bill.

The changes involve withdrawing one of the recommendations in the submission relating to the term "authorise" in clause 14 of the Bill. This recommendation related to the situation where a person in New Zealand authorised a person outside New Zealand to perform restricted acts with a protected variety in another country.

The New Zealand Law Society now recommends that clause 14 should be amended only to deal with the situation where a person outside New Zealand authorises another person to do a restricted act in New Zealand with a protected variety. Under this recommendation the person outside New Zealand would be considered to have infringed the plant variety right over the protected variety.

This recommendation has already been considered by the Economic Development, Science and Innovation Committee as a part of the New Zealand Law Society's initial submission, and the Committee did not recommend any changes to the Bill as a result. Revisiting this issue now would require further work and public consultation. The work would therefore significantly delay passage of the Bill.

Other than the impact on stakeholders and Māori, who have already been waiting many years for these reforms, any further delay would compromise our obligations under the Comprehensive and Progressive Agreement on Trans-Pacific Partnership (CPTPP). Under CPTPP, we were due to have the new regime in place by December 2021. We have advised our CPTPP trading partners that implementation has been delayed by Covid-19. However, it is important to avoid any further delays.

I do not therefore propose to take this issue further at this stage. However, new legislation is constantly under review as part of our regulatory stewardship obligations. If the new regime is not performing as expected, then this issue – or any other settings – can be addressed at that time.

Thank you for taking the time to write about this issue.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'D' with a horizontal line through it, and a smaller 'C' to the left.

Hon Dr David Clark  
**Minister of Commerce and Consumer Affairs**