

# House of Representatives

# Supplementary Order Paper

Tuesday, 27 August 2013

## Patents Bill

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### *Proposed amendments*

Metiria Turei, in Committee, to move the following amendments:

#### *Clause 4*

In *clause 4(1)(f)*, delete “advisory” (line 22 on page 16).

#### *Clause 5*

In *clause 5(1)*, definition of **Māori advisory committee**, delete “advisory” (line 1 on page 20).

#### *Clause 14*

In *clause 14(3)*, delete “advisory” (line 2 on page 29).

#### *Heading above clause 275*

In the *heading above clause 275*, delete “advisory” (line 13 on page 143).

#### *Clause 275*

In *clause 275(1)*, replace “Commissioner” (line 16 on page 143) with “Minister”.

In *clause 275(1)*, delete “advisory” (line 17 on page 143).

In *clause 275(2)*, replace “The Commissioner may” (line 18 on page 143) with “The Minister may”.

In *clause 275(2)(b)*, replace “Commissioner” (line 20 on page 143) with “Minister”.

In *clause 275(3)*, replace “Commissioner” (line 24 on page 143) with “Minister”.

In *clause 275(4)*, replace “Commissioner” (line 29 on page 143) with “Minister”.

#### *Clause 276*

In the *heading to clause 276*, delete “advisory” (line 30 on page 143).

In *clause 276*, delete “advisory” (line 31 on page 143).

*Clause 277*

In the *heading to clause 277*, delete “**advisory**” (line 3 on page 144).

In *clause 277*, replace “must consider, but is not” (line 4 on page 144) with “is”.

In *clause 277*, delete “advisory” (line 5 on page 144).

*Clause 278*

In the *heading to clause 278*, delete “**advisory**” (line 6 on page 144).

In *clause 278*, delete “advisory” (line 7 on page 144).

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### Explanatory note

The regulation of patents is a substantial concern for Māori. The Waitangi Tribunal has considered these matters in its report *Ko Aotearoa Tēnei: A report into claims concerning New Zealand law and policy affecting Māori culture and identity 2011*. In its report, the Tribunal identified a number of measures required to give effect to the Treaty of Waitangi in respect of intellectual property. Among its recommendations was the establishment of a co-decision making process in relation to the registration of patents to ensure that mātauranga Māori is treated as a key factor. The Tribunal recommended that the Commissioner should be required to take formal advice from it and work in partnership with it when making patent decisions that affect the kaitiaki relationship. The amendments proposed by this Supplementary Order paper go some way towards giving effect to the recommendations of the Tribunal, and therefore of the Treaty.

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