

Media Release

Hon Marian Hobbs

Minister for the Environment

17 April 2000

Royal Commission On Genetic Modification

A four-person Royal Commission headed by former Chief Justice, Sir Thomas Eichelbaum, will inquire into genetic modification, the Minister for the Environment, Marian Hobbs, announced today.

The other members of the Commission being recommended to the Governor General for appointment are:

- Dr Jean Fleming, Senior Lecturer, Department of Anatomy and Structural Biology, Otago Medical School. She is highly qualified in the field of Biochemistry, Physiology and Structural Biology.
- Rev Richard Randerson, of Auckland who has an extensive academic background in religious studies and brings a solid understanding of ethical issues to the Commission.
- Dr Jacqueline Allan, a GP of Auckland with considerable experience in the area of Maori medical health. She brings an understanding of both medical and Maori issues to the Commission.

A voluntary moratorium on all applications for the release of genetically modified organisms will be negotiated between the government and relevant industry and research groups. The moratorium will also apply to field testing of GMOs but with some limited exemptions.

"I will seek assurances from the signatory to the moratorium that there will be very strict controls places on the field test," Ms Hobbs said.

The moratorium will be in force for the length of the Commission's inquiry.

"Any decision to allow a general release of a GMO may be irreversible," Marian Hobbs said. " In order to keep our options open, we want to ensure that there will be no GMOs released into the environment until the Royal Commission has completed its report and the Government has considered its findings.

"The moratorium will mean that there will be no deliberate releases of GMOs during the inquiry. We understand that research and industry groups are generally comfortable with this approach. The Life Sciences Network, a research and industry grouping, has offered its support for a moratorium on deliberate releases of GMOs."

Marian Hobbs said the Government wants the inquiry to stimulate a broad-ranging discussion on genetic modification. The Royal Commission's chief objective is to inquire into and report on the strategic options available to enable New Zealand to address genetic modification now and in the future.

It may also recommend any changes in the current legislative, regulatory, policy or institutional arrangements for addressing genetic modification technologies and products in New Zealand.

The cost of the Commission is estimated provisionally at \$4.8 million. It will have 12 months to report.

A Royal Commission, which has the ability to require evidence to be presented, has the highest status and greatest perceived independence of all forms of public inquiry, the Minister said.

"This will allow the public to have meaningful input into the inquiry while providing for a prompt response on genetic modification issues, in a field of research and development that is constantly expanding," Marian Hobbs said. "The Government wants the inquiry to be conducted as informally as practicable.

"The Commission will be required to consult widely and to adopt procedures that encourage a diverse range of people and groups to participate in the proceedings and present their views. This will enable the Commission to reach sound and robust conclusions."

To meet the government's objectives the inquiry will address the following principal areas:

Genetic Modification in General

- Where, how and for what purpose is genetic modification and its products being used in New Zealand at present;
- the evidence (including the scientific evidence) and the level of uncertainty about the present and possible future application of genetic modification techniques and use of genetically modified organisms and products in New Zealand;
- the risks and benefits from the use or avoidance of genetic modification technologies and products in New Zealand and how each of these is likely to be distributed;
- the international legal obligations New Zealand faces with regard to genetic modification;
- the current and future liability and intellectual property issues involved in the use of genetic modification in New Zealand;
- the Crown's responsibilities under the Treaty of Waitangi in relation to genetic modification;

- the global developments and issues that may influence how New Zealand is able to use or limit the use of genetic modification technologies;
- the opportunities that may be open to New Zealand from the use or avoidance of genetic modification technologies;

Areas of Public Interest:

- human health (including biomedical, food safety/consumer choice);
- environmental (including biodiversity, biosecurity issues, and the health of ecosystems);
- economic (including research and innovation, business development, primary production, and exports);
- cultural and ethical concerns;

Other Key Issues:

- the key strategic issues drawing on ethical, cultural, environmental, social and economic risks and benefits arising from the use of genetic modification;
- the international (legal and policy) implications of any measures that New Zealand might take with regard to genetic modification, including the costs and risks associated with particular options;
- the range of strategic outcomes for the future application or avoidance of genetic modification techniques and the use of genetically modified organisms and products in New Zealand;
- whether the statutory and regulatory processes controlling the use of genetic modification technology and products in New Zealand are adequate to address the desired strategic outcomes and whether any legislative, regulatory, policy or other changes are needed to enable New Zealand to achieve these outcomes.

Detailed terms of reference are attached

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Terms of Reference

Primary objective

The primary objective of the Royal Commission shall be to inquire into and report on the strategic options available to enable New Zealand to address genetic modification now and in the future. The Royal Commission may also recommend any changes in the current legislative, regulatory, policy or institutional arrangements for addressing genetic modification technologies and products in New Zealand.

The Commission will receive representations on, inquire into and investigate the following matters:

- Where, how and for what purpose is genetic modification and its products being used in New Zealand at present;
- the evidence (including the scientific evidence) and the level of uncertainty about the present and possible future application of genetic modification techniques and use of genetically modified organisms and products in New Zealand;
- the risks and benefits from the use or avoidance of genetic modification technologies and products in New Zealand and how each of these is likely to be distributed;
- the international legal obligations New Zealand faces with regard to genetic modification;
- the current and future liability and intellectual property issues involved in the use of genetic modification in New Zealand;
- the Crown's responsibilities under the Treaty of Waitangi in relation to genetic modification;
- the global developments and issues that may influence how New Zealand is able to use or limit the use of genetic modification technologies;
- the opportunities that may be open to New Zealand from the use or avoidance of genetic modification technologies;
- the main areas of public interest in genetic modification including:
 - human health (including biomedical, food safety/consumer choice);
 - environmental (including biodiversity, biosecurity issues, and the health of ecosystems);
 - economic (including research and innovation, business development, primary production, and exports);
 - cultural and ethical concerns;
- the key strategic issues drawing on ethical, cultural, environmental, social and economic risks and benefits arising from the use of genetic modification;
- the international (legal and policy) implications of any measures that New Zealand might take with regard to genetic modification, including the costs and risks associated with particular options;

- the range of strategic outcomes for the future application or avoidance of genetic modification techniques and the use of genetically modified organisms and products in New Zealand;
- whether the statutory and regulatory processes controlling the use of genetic modification technology and products in New Zealand are adequate to address the desired strategic outcomes and whether any legislative, regulatory, policy or other changes are needed to enable New Zealand to achieve these outcomes.

Process

The Royal Commission will consult with the public in a way that allows people to express clearly their views, including ethical, cultural, environmental and scientific perspectives, on the choices regarding genetic modification in New Zealand.

In order to do this the Royal Commission will consult widely during the course of the inquiry and adopt procedures that will encourage people to participate. This will include consulting and engaging with Maori in a manner that specifically provides for their needs.

In addition to receiving representation from the public and interested parties, the Royal Commission will utilise relevant expertise, including consultancy and secretarial services and where appropriate conduct its own research.

Definition

For the purposes of this inquiry ‘genetically modified organism’ means any organism in which any of the genes or other genetic material:

- have been modified by *in vitro* techniques; or
- are inherited or otherwise derived, through any number of replications, from any genes or other genetic material that has been modified by *in vitro* techniques.

In general terms genetic modification means the use of genetic engineering techniques in the laboratory involving:

- the deletion, multiplication, modification or moving of genes within a living organism; or
- the transfer of genes from one organism to another; or
- the modification of existing genes or the construction of novel (new) genes and their incorporation in any organisms; and/or
- the utilisation of subsequent generations or offspring of genetically modified organisms.

The inquiry will not consider the generation of organisms or products using modern standard breeding techniques (including cloning, mutagenesis, protoplast fusions, controlled pollination, hybridisation, hybridomas and monoclonal antibodies).

'Organism' includes human beings and 'product' covers all current and likely future research, medicinal, commercial, chemical and food uses of the technology in New Zealand.

Reporting Date

The Royal Commission will report to the Governor-General twelve months from the signing of the Warrant.

PROPOSED VOLUNTARY MORATORIUM

The Cabinet has agreed that a voluntary moratorium on all applications for release and (with limited exemptions) field testing of genetically modified organisms be negotiated between the Government and relevant industry and research groups. Cabinet has directed the Ministry for the Environment to lead negotiations to develop a voluntary agreement on behalf of the Government, with relevant industry and research groups, and to report back within three months to the Cabinet Finance, Infrastructure and Environment Committee on progress made and the need for additional measures, including legislation.

In respect of field tests the following proposed process would form the basis of negotiations to develop a voluntary moratorium.

- A participant in the voluntary moratorium prepares a draft application for a field test.
- The participant in the voluntary moratorium forwards the draft application to the Minister for the Environment.
- The Minister checks that the draft application meets one of the following criteria:
 - i. involves fermentation of more than 10 litres of micro-organisms in conditions of highly secure containment
 - ii. field tests for medical purposes or for the development of therapeutic agents where these are necessary to continue an existing line of inquiry or to develop and test new drugs or potential therapies
 - iii. applications where the risk of the loss of scientific inquiry knowledge to New Zealand is substantial or where the potential health, environmental or commercial benefits to New Zealand would be lost if the application was delayed until after the Royal Commission
 - iv. applications where the level of investment in an ongoing line of inquiry is substantial and the inability to make an application for a field test would prejudice the value of earlier investment.
- If the draft application meets one or more of the above criteria, the Minister then checks that it specifies controls for the organism on which the test will be conducted, which meet the following requirements (relevant to the organism to be tested):
 - i. Conditions placed on any field test involving genetically modified plants will ensure that:
 - once any reproductive structure above the ground reaches the stage where it is capable of releasing heritable material it shall be immediately removed, and transported in secure containment if required, and destroyed
 - any heritable material beneath the ground is retrieved, transported in secure containment if required, and destroyed once the test is complete

unless the heritable material is required for research purposes in which case it shall be retained in conditions of high security.

- ii. Conditions will be placed on any trial involving genetically modified animals containing human genes to ensure that all animals forming part of the test, including their offspring, are held in secure containment and also clearly identified in case of escape.
- The Minister then advises the party to the voluntary moratorium on whether or not the draft application will be acceptable to proceed with. If the Minister's advice is not to proceed, an application for a field test approval under the Hazardous Substances and New Organisms (HSNO) Act would not be made. If the advice is that the draft application may proceed, the application is finalised and provided to the ERMA and the normal processes under the HSNO Act follow.
 - The Minister may at any stage ask the potential applicant, or other party, for further information to clarify matters relating to the draft application.