



Office of Hon Pete Hodgson
MP for Dunedin North

Minister for Economic Development
Minister for Tertiary Education
Minister of Research, Science and Technology

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Jean Anderson
Secretary,
Physicians and Scientists for Responsible Genetics

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Dear Jean Anderson

Thank you for your letter of 3 October 2007 regarding Synthetic Biology. As Minister for Research, Science and Technology I am responding on behalf of the government.

In New Zealand "naturally occurring DNA" as such is not patentable. However, DNA that has been isolated and purified from a natural source or manipulated in some way (for example, by genetic modification) is able to be patented if full sequence information is provided and specific utility of the DNA is disclosed in a patent application. For example, some patented diagnostic tests involve the use of specific DNA sequences.

The Hazardous Substances and New Organisms (HSNO) Act was established to manage risks associated with new organisms, including genetically modified ones. It is my understanding that since synthetic biology involves the use of in vitro genetic modification the resulting organisms would be considered genetically modified, and so subject to regulation under the HSNO Act. (Though if an organism is approved for unconditional release then it would cease to be a new organism.) An application to the Environmental Risk Management Authority (ERMA) to field test or release a synthetic organism would be publicly notified. Other applications could also be publicly notified if ERMA considered them to be a significant public interest

With regard to any future use of synthetic biology in food, an application would have to be made for approval under the Novel Food Standard. The application would be assessed by Food Standards Australia New Zealand and the draft assessment would be subject to public consultation.

Developments and policy implications associated with synthetic biology is one of a range of emerging areas of science and technology that the Government is following through the Ministry of Research, Science and Technology's "Futurewatch" programme.

Yours sincerely

Hon Pete Hodgson
Minister of Research, Science and Technology