



Ref: JCOIA-203

Thank you for your email of 7 October 2024 requesting, under the Official Information Act 1982 (the Act), the following information:

- 1. When do you intend to undertake robust public discussion / debate regarding the Coalition governments stated plan to weaken/ remove regulation for outdoor GE/GMO experiments/ field trials etc?*
- 2. Where are you obtaining advice on your proposal to weaken regulation for outdoor GE/GMO applications? Please provide copies of all correspondence between your office and the Ministry for the Environment (MfE) and the Ministry for Business, Innovation & Employment ( MBIE) including their advice/ recommendations to you since October 2023.*
- 3. Who is responsible to you (in your capacity as Minister for RS & T) for leading this initiative (to weaken/ remove regulation for outdoor GE/GMO experiments/ field trials...and ...to amend the RMA to remove council choice about enforceable GE/GMO free zones)? We request copies of all documents/ correspondence between the Crown lawyers and MBIE/MfE and yourself (in your capacity as the Minister of R S & T)*
- 4. We request copies of any/ all Crown Law opinions on this topic (GE/GMOs) obtained by the National Party or the Coalition government in the last two years.*
- 5. Which stakeholders have you consulted with (on the issue of weakening regulation/ legislation for outdoor GE/GMOs) at present (and during the last year)? Please provide details of names of organisations, businesses, primary producer boards, NZ Crown Research Institutes, scientists, and individuals*
- 6. Have you consulted with our most highly qualified independent scientists of the calibre of Professor Jack Heinemann (Professor Genetics/ Molecular Biology, Canterbury University and...director, Centre for Integrated Research in Biosafety) and Physicians and Scientists for Global Responsibility Charitable Trust (NZ)? If not, why not? If you have undertaken consultation with the above, please provide documentation of this.*
- 7. We understand you have sought input on the GE/GMO issue (weakening/ removing regulation/amending legislation) from a Technical Advisory group- who are the participants in this Technical Advisory group? Also, who chairs this Technical Advisory group?*
- 8. We understand that you have sought input from an Industry Working Group- who are the participants on this Industry Working Group? We understand that those who are participating in the Technical Advisory group and the Industry Working Group have had to sign a Non-Disclosure Agreement. Is this the case?*

9. *If this is the case, please confirm this and provide us with the minutes of all meetings with the Industry Working Group (and the Technical Advisory Group) and all correspondence between your office and them*
10. *Please provide us with all correspondence between yourself in your capacity as Minister of Science, Innovation and Technology and the Ministry for the Environment (MfE) and MBIE on the GE/GMO issue as well as the minutes from any meetings on this topic with MfE and MBIE (including but not limited to a meeting in June, chaired by yourself in your capacity as Minister Research Science & Technology)*
11. *What consultation are you undertaking with Maori stakeholders on the GE/GMO issue (changes to regulation/ legislation regarding outdoor GE/GMO experiments/field trials/ releases). Specifically with who? Please provide a full and comprehensive list of all Maori organisations, Iwi/hapu and individuals as well as correspondence with key stakeholders on this topic*
12. *Have you consulted with all Tai Tokerau Iwi authorities on this matter? Please provide copies of all correspondence or minutes of meetings between you and Iwi authorities (in Tai Tokerau and Auckland)*
13. *Have you consulted with Northland and Auckland councils on this matter? Hastings District Council? Please provide copies of all correspondence or minutes of meetings between you and the councils mentioned.*
14. *Have you consulted with the NZ organic sector? Specifically:*
  - the Soil & Health Association Aotearoa NZ
  - Organics Aotearoa NZ
  - Te Waka Kai Ora (national Maori Organics organisation)*Please provide a copy of any correspondence with the NZ organic sector and details of meetings/ formal consultation.*
15. *Have you met with the NZ Organic sector during the last 9 months? Please provide details of such meetings and minutes of the meetings.*
16. *Have you consulted with key stakeholder GE Free NZ (in food & environment)? Please provide details of any such consultation. We note that our community group has not been contacted or consulted with.*
17. *Have you or other Government Ministers commissioned any economic analysis on the potential impacts (negative and positive) on the weakening/ removal of regulation /amending of relevant legislation HSNO Act and RMA for outdoor GE/GMO experiments/ field trials/ releases? i.e. NZ Inc brand, 100% Pure brand*
18. *What analysis have you undertaken or commissioned on the critically important liability issue? So that (despite good intentions of applicants) those who are adversely impacted by EPA approved outdoor GE/GMO experiments, field trials or releases are compensated financially.*
19. *Will there be compensation for NZ farmers/ primary producers, forestry owners, and councils in the event of (unintended/ unforeseen) GE/GMO contamination? Please provide details of any discussion of this important matter. Vectors for GE/GMO contamination include seeds, pollen, wind, vegetative material, soils, waterways, insects, animals, machinery, extreme weather events (including floods, high winds, earthquakes)*
20. *What steps have you taken to ensure the creation of strict co-existence measures (to attempt to minimise GE/GM contamination)?*
21. *Are you aware of NZ's obligations as a signatory to the Convention on Biological Diversity and the sub-treaty Cartagena Protocol on Biosafety? What advice have you*

*received in terms of the implications of weakening/ removing regulation and altering existing legislation (Hazardous Substances and New Organisms Act, RMA, Resource Legislation Amendment Act 2017) to our obligations to this international Treaty?*

22. *We oppose the genetic engineering/gene editing of all taonga native species, including Manuka and Kauri (Agathis australis). Please advise if your office has had any consultation with Maori or others on this important issue or provide any evidence that may exist of NZ Crown Research Institutes interest in GE/gene editing of native species. We note the strong opposition of all Tai Tokerau Iwi/hapu to genetic engineering/ gene editing of native species (and Government obligations under Te Tiriti o Waitangi).*
23. *What have you done to ensure that the Ministry for Primary Industries is adequately resourced to closely monitor any EPA approved outdoor GE/GMO experiments/ field trials in NZ? Have you proposed increasing funding for MPI to do this work to the highest standard (in the past, MPI has failed to adequately monitored outdoor GE/GMO experiments, including those undertaken by NZ Crown Research Institutes)?*
24. *What steps have you taken to ensure NZ compliance with the key recommendations of the Royal Commission into Genetic Modification (2001 RCGM report)?*

My detailed response is attached as **Annex A**. The documents that you have requested are attached as **Annex B**.

As to your part 3.B request, “We request copies of any / all Crown Law opinions on this topic (GE/GMOs) obtained by the National Party or the Coalition government in the last two years”, Crown Law has conducted a search of its records and has not located any documents which fall within the scope of your request. Please note that, while it is a function of Crown Law to give legal advice to the government, Crown Law does not provide legal advice to political parties, including the National Party.

I have refused to release a number of documents in scope under section 18(d) of the Act, as the information requested is or will soon be publicly available.

I am releasing nine documents in scope of your request. Some information has been withheld from these under the following sections of the Act:

- **6(a)**, where making available of that information would be likely to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand.
- **9(2)(a)**, to protect the privacy of natural persons, including that of deceased natural persons.
- **9(2)(f)(iv)**, to maintain the constitutional conventions for the time being which protect the confidentiality of advice tendered by Ministers of the Crown and officials.
- **9(2)(g)(i)**, to maintain the effective conduct of public affairs through the free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any public service agency or organisation in the course of their duty.
- **9(2)(h)**, to maintain legal professional privilege.

I do not consider that the withholding of any information is outweighed by public interest considerations in making the information available.

You have the right to seek an investigation and review by the Ombudsman of this decision, in accordance with section 28(3) of the Act. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Judith Collins". The signature is fluid and cursive, with a large initial 'J' and a long horizontal stroke at the end.

Hon Judith Collins KC,  
**Attorney General**  
**Minister of Science, Innovation and Technology**

## ANNEX A

	OIA Request	Response
1.	When do you intend to undertake robust public discussion / debate regarding the Coalition governments stated plan to weaken/ remove regulation for outdoor GE/GMO experiments/ field trials etc?	I refuse your request under section 18(d) of the Act, because the information requested is publicly available on the MBIE website <a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation">https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation</a>
2.A	Where are you obtaining advice on your proposal to weaken regulation for outdoor GE/GMO applications?	I refuse your request under section 18(d) of the Act, because the information requested is publicly available on the MBIE website <a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation">https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation</a>
2.B	Please provide copies of all correspondence between your office and the Ministry for the Environment (MfE)	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist.
2.C	and the Ministry for Business, Innovation & Employment ( MBIE) including their advice/ recommendations to you since October 2023.	I partially refuse your request under section 18(d) of the Act, because the information requested will soon be publicly available. These documents will be proactively released on the MBIE website <a href="https://www.mbie.govt.nz/about/open-government-and-official-information/release-of-information/cabinet-papers-and-minutes">https://www.mbie.govt.nz/about/open-government-and-official-information/release-of-information/cabinet-papers-and-minutes</a> ) in late October/early November 2024.

		The documents in scope that will not be proactively released by MBIE are attached as <b>Annex B</b>
3.A	Who is responsible to you (in your capacity as Minister for RS & T) for leading this initiative (to weaken/ remove regulation for outdoor GE/GMO experiments/ field trials...and ...to amend the RMA to remove council choice about enforceable GE/GMO free zones)?	I refuse your request under section 18(d) of the Act, because the information requested is publicly available on the MBIE website <a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation">https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation</a>
3.B	We request copies of all documents/ correspondence between the Crown lawyers and MBIE/MfE and yourself (in your capacity as the Minister of R S & T)	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
4.	We request copies of any/ all Crown Law opinions on this topic (GE/GMOs) obtained by the National Party or the Coalition government in the last two years.	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
5.	Which stakeholders have you consulted with (on the issue of weakening regulation/ legislation for outdoor GE/GMOs) at present (and during the last year)? Please provide details of names of organisations, businesses, primary producer boards, NZ Crown Research Institutes, scientists, and individuals	I refuse your request under section 18(d) of the Act, because the information requested is publicly available on the MBIE website <a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation">https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation</a>
6.	Have you consulted with our most highly qualified independent scientists of the calibre of Professor Jack Heinemann (Professor Genetics/ Molecular Biology, Canterbury University and...director, Centre for Integrated Research in Biosafety) and Physicians and Scientists for Global Responsibility Charitable Trust (NZ)? If not, why not? If you have undertaken consultation with the above, please provide documentation of this.	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
7.	We understand you have sought input on the GE/GMO issue (weakening/ removing regulation/amending legislation) from a Technical Advisory group- who are the participants in this Technical Advisory group? Also, who chairs this Technical Advisory group?	I refuse your request under section 18(d) of the Act, because the information requested is publicly available on the MBIE website <a href="https://www.mbie.govt.nz/science-and-technology/science-and-">https://www.mbie.govt.nz/science-and-technology/science-and-</a>

		<a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation">innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation</a>
8.	We understand that you have sought input from an Industry Working Group- who are the participants on this Industry Working Group? We understand that those who are participating in the Technical Advisory group and the Industry Working Group have had to sign a Non-Disclosure Agreement. Is this the case?	I refuse your request under section 18(d) of the Act, because the information requested is publicly available on the MBIE website <a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation">https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation</a>
9.	If this is the case, please confirm this and provide us with the minutes of all meetings with the Industry Working Group (and the Technical Advisory Group) and all correspondence between your office and them	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
10.A	Please provide us with all correspondence between yourself in your capacity as Minister of Science, Innovation and Technology and the Ministry for the Environment (MfE)	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
10.B	and MBIE on the GE/GMO issue	This request is covered by the response to request 2.C
10.C	as well as the minutes from any meetings on this topic with MfE and MBIE (including but not limited to a meeting in June, chaired by yourself in your capacity as Minister Research Science & Technology)	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
11.	What consultation are you undertaking with Maori stakeholders on the GE/GMO issue (changes to regulation/ legislation regarding outdoor GE/GMO experiments/field trials/ releases). Specifically with who? Please provide a full and comprehensive list of all Maori organisations, Iwi/hapu and individuals as well as correspondence with key stakeholders on this topic	I refuse your request under section 18(d) of the Act, because the information requested is publicly available on the MBIE website <a href="https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation">https://www.mbie.govt.nz/science-and-technology/science-and-innovation/agencies-policies-and-budget-initiatives/gene-technology-regulation</a>
12.	Have you consulted with all Tai Tokerau Iwi authorities on this matter? Please provide copies of all correspondence or minutes of meetings between you and Iwi authorities (in Tai Tokerau and Auckland)	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist

13.	Have you consulted with Northland and Auckland councils on this matter? Hastings District Council? Please provide copies of all correspondence or minutes of meetings between you and the councils mentioned.	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
14.	Have you consulted with the NZ organic sector? Specifically: -the Soil & Health Association Aotearoa NZ -Organics Aotearoa NZ -Te Waka Kai Ora (national Maori Organics organisation) Please provide a copy of any correspondence with the NZ organic sector and details of meetings/ formal consultation.	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
15.	Have you met with the NZ Organic sector during the last 9 months? Please provide details of such meetings and minutes of the meetings.	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
16.	Have you consulted with key stakeholder GE Free NZ (in food & environment)? Please provide details of any such consultation. We note that our community group has not been contacted or consulted with.	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
17.	Have you or other Government Ministers commissioned any economic analysis on the potential impacts (negative and positive) on the weakening/ removal of regulation /amending of relevant legislation HSNO Act and RMA for outdoor GE/GMO experiments/ field trials/ releases? i.e. NZ Inc brand, 100% Pure brand	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
18.	What analysis have you undertaken or commissioned on the critically important liability issue? So that (despite good intentions of applicants) those who are adversely impacted by EPA approved outdoor GE/GMO experiments, field trials or releases are compensated financially.	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
19.	Will there be compensation for NZ farmers/ primary producers, forestry owners, and councils in the event of (unintended/ unforeseen) GE/GMO contamination? Please provide details of any discussion of this important matter. Vectors for GE/GMO contamination include seeds, pollen, wind, vegetative material, soils, waterways, insects, animals, machinery, extreme weather events (including floods, high winds, earthquakes)	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
20.	What steps have you taken to ensure the creation of strict co-existence measures (to attempt to minimise GE/GM contamination)?	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist



21.	Are you aware of NZ's obligations as a signatory to the Convention on Biological Diversity and the sub-treaty Cartagena Protocol on Biosafety? What advice have you received in terms of the implications of weakening/ removing regulation and altering existing legislation (Hazardous Substances and New Organisms Act, RMA, Resource Legislation Amendment Act 2017) to our obligations to this international Treaty?	I refuse your request under section 18(d) of the Act, because the information requested will soon be publicly available. These documents will be proactively released on the MBIE website ( <a href="https://www.mbie.govt.nz/about/open-government-and-official-information/release-of-information/cabinet-papers-and-minutes">https://www.mbie.govt.nz/about/open-government-and-official-information/release-of-information/cabinet-papers-and-minutes</a> ) in late October/early November 2024.
22	We oppose the genetic engineering/gene editing of all taonga native species, including Manuka and Kauri ( <i>Agathis australis</i> ). Please advise if your office has had any consultation with Maori or others on this important issue, or provide any evidence that may exist of NZ Crown Research Institutes interest in GE/gene editing of native species. We note the strong opposition of all Tai Tokerau Iwi/hapu to genetic engineering/ gene editing of native species (and Government obligations under Te Tiriti o Waitangi).	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist
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24.	What steps have you taken to ensure NZ compliance with the key recommendations of the Royal Commission into Genetic Modification (2001 RCGM report)?	I refuse your request under section 18(e) of the Act, because the documents alleged to contain the information requested do not exist.

**ANNEX B**

## DOCUMENTS IN SCOPE

No	Date	Title	Withholding grounds
1	18 June 2024	2324-3846 - Meeting the Environmental Protection Authority	9(2)(a), 9(2)(f)(iv), 9(2)(g)(i)
2	21 June 2024	MBIE capacity to take on gene technology regulation	Released in full
3	11 July 2024	2425-0261 Regulation of gene technology - draft Cabinet paper for Ministerial consultation	18(d)
4	16 July 2024	Proposed timetable for Gene Technology Bill	9(2)(f)(iv), 9(2)(h)
5	1 August 2024	Draft Cabinet paper - Regulation of gene technologies – policy decisions	18(d)
6	1 August 2024	Appendix One: Design of the Gene Technology Regulatory Regime	18(d)
7	1 August 2024	Appendix two – A3 overview of the regulatory framework	Released in full
8	1 August 2024	Appendix Three – HSNO comparison table	Released in full
9	28 August 2024	Gene Technology regime - offences, defences, and penalties	9(2)(a)