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Email to New Zealand Members of Parliament.

April 16th, 2025.

Re: Gene Tech & Science System Reforms - Good process undermined?

Dear Members of Parliament,

The Gene Technology reform and the 2024 Bill is the subject of much polarising debate. This email is to advise you that PSGR has sent a request to the Ombudsman requesting that an Inquiry is held to examine the gene technology regulatory reform process.

PSGR believe that there is significant evidence that actions of the Ministry of Business, Innovation, and Employment (MBIE) officials and the Minister in charge, Judith Collins may have undermined good process to drive outcomes that would severely restrict the capacity of the new gene technology regulator to safely regulate gene edited technologies and organisms.

PSGR have published the information as two papers under the title*: 'When powerful agencies hijack democratic systems.'* The papers allege that government documents suggest that government officials may have acted to drive policy and legislative outcomes in a manner which may be neither fair nor impartial, but biased and potentially misleading.

The papers provide evidence that important processes and conventions may have been short-circuited across two different but related areas of reform: the recent gene technology reform, in addition to the science system reforms that are currently underway.

1. *PSGR (2025) When powerful agencies hijack democratic systems. Part I: The case of gene technology regulatory reform. Bruning, J.R., Dommisse, E.. Physicians & Scientists for Global Responsibility New Zealand. ISBN 978-1-0670678-0-9*
2. *PSGR (2025) When powerful agencies hijack democratic systems. Part II: The case of science system reform. Bruning, J.R.. Physicians & Scientists for Global Responsibility New Zealand. April 2025. ISBN 978-1-0670678-1-6*

As a consequence of the review, PSGR are calling for two separate public enquiries.

Our papers highlight the conflicts that arise when the agency for economic growth also controls the science and research system. Part I shows how most advocates, experts and stakeholders selected for consultation in the gene technology reform and deregulation, lack regulatory expertise. These groups were commonly funded by MBIE, or have financial interests in biotechnology.

PSGR's Part II paper focuses on the New Zealand science system. It outlines how the science and research system has been decoupled from the power to undertake activities that serve the public purpose and support sound constitutional and democratic governmental practices. PSGR consider that a public inquiry is required, as the current harried science system reforms continue the trajectory of limiting the public-good role of the science and research system in supporting decision-making and policy.

MPs and legal scholars will be well acquainted with the requirement that government officials follow recognised conventions and processes in public law. Yet there has been little work done to ensure that scientific claims adhere to transparent and accountable conventions in a similar way. That they follow good process, and that the claims are fair and just.

Scientific and technical claims have frequently become the underpinning justification for new policies and laws. Often government agencies, the media, and public figures, ignore situations where good process has not been followed, they fail to engage with critics who have pointed this out, and ignore the democratic dilemma when secretive corporate confidentiality interests outweigh public interest disclosure.

When good process has not been followed, and policies and rules are locked in, it is no wonder that society can become polarised. Democratic governments rise and fall on public trust. Trust depends on conventions that ensure accountability and transparency.

There is an increasing trend of agencies using science claims that would, should they be scrutinised, fail any test of due process, which is by convention, required for policy development. In a similar fashion, the courts can become boggled by science, and fail to recognise and require agencies to adhere to good process and good practice. This includes updating information over time, even if it contradicts the status quo, to ensure that the basis of government policies and laws reflect the weight of scientific evidence.

The Part II paper explains how the capacity for New Zealand scientists and researchers to undertake public-good research is severely restrained. When freedom of scientific enquiry is suppressed, agencies and political interests can claim scientific facts, but the scientific and technical experts that might have the expertise to contradict these claims will not exist. This is because there are no funding pathways. Information then is biased to support the 'scientific fact' – because the public funding that enables the critical enquiry is not available.

For the New Zealand public, the risk of harm or abuse of power is amplified when Cabinet can fast-track secondary legislation (developed on the basis of a scientific fact, that is biased, out-dated or poorly justified) away from public oversight.

PSGR request that MPs seriously consider the problems that we have identified, and our recommendations for public scrutiny of the reform processes. We would appreciate any feedback from MPs and from New Zealand's academic and public law community. A version of this letter has been sent to senior legal experts. We have also advised key agricultural export industry sectors that we have requested that the Ombudsman conduct an enquiry.

PSGR believes that this conversation opens up an exciting opportunity to recalibrate the science and research system for public good: to enhance health, wellbeing, productivity and prosperity.

We look forward to your response.

Kind regards| Ngā mihi

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