

Our ref CASE-024150 (GROUND-0028155)  
Contact Bobbie Laird  
23 June 2025



Jodie Bruning

By email: [info@psgr.org.nz](mailto:info@psgr.org.nz)

Tēnā koe Jodie

### **Complaint against the Ministry of Business, Innovation and Employment (MBIE)**

Thank you for your letter of 29 May 2025 with comments on why the Chief Ombudsman should proceed to investigate your complaint about MBIE

Having considered your comments, I can confirm that the Ombudsman considers an investigation of your complaint to be unnecessary.<sup>1</sup>

#### **Your comments**

You maintain that MBIE's policy process was flawed and that Physicians and Scientists for Global Responsibility (PSGR) has a personal interest in the matter as a registered charity with relevant objectives. You raised concerns about the exclusion of PSGR and other groups from early consultation, the lack of scientific expertise involved in the process, and the late inclusion of Subpart 5 without public input. You also questioned whether MBIE followed proper administrative processes.

You referred to section 27 of the New Zealand Bill of Rights Act 1990, and suggested that our decision not to investigate may be subject to judicial review. You also expressed the view that declining to investigate on the basis of insufficient personal interest alone would be unreasonable, given the broader public interest at stake and the substance of the concerns raised.

#### **Why we are not investigating**

As explained previously, the Ombudsman can only investigate matters under the Ombudsman Act where the complainant is personally affected by the administrative decision. While we acknowledge PSGR's purpose and advocacy on issues involving gene editing and biotechnology, the complaint concerns a broad public consultation and policy process. This process applied widely to members of the public and was not directed specifically to you or PSGR members. The process related to the introduction of legislation which members of the public could submit on. Based on the information provided, we do not consider that you have a sufficient personal interest in the subject matter of the complaint for an investigation by the Ombudsman.

Additionally, there are other factors that suggest an investigation is unnecessary. The complaint concerns policy decisions made by officials and Ministers during the development of legislation.

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<sup>1</sup> Section 17(1)(f)(i) of the Ombudsmen Act 1975 refers.

As previously advised, the Ombudsman cannot investigate the content of legislation or the actions of Ministers. While certain consultation processes may be within jurisdiction in other contexts, your concerns ultimately fall with the proposed legislation, which you had an opportunity to submit on at Select Committee stage. This is the appropriate avenue to address your concerns about the Bill.

For the reasons outlined above, I confirm that we will not be investigating your complaint. Accordingly, no further action will be taken.

Nāku noa, nā

A handwritten signature in blue ink, appearing to read 'Nick Kennedy', with a stylized, flowing script.

Nick Kennedy  
Manager – Early Resolution