



17 December 2024

Ref: DOIA-REQ-0006620-Jodie Bruning

Jodie Bruning

Email: fyi-request-29246-de7c5c7b@requests.fyi.org.nz

Tēnā koe Jodie

Thank you for your email of 19 November 2024 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

*OIA REQUEST*

*[1] Please supply the terms of reference sent to the technical focus group.*

*[2] Please supply all scientific information, including that which is listed in policy papers, including references and appendices, sent to the technical focus group. This necessarily includes advice regarding the FSANZ proposals to change the definition of a GMO and remove process-based risk assessment.*

*[3] This question concerns the extent to which the technical focus group can consider uncertainty and future risks, and the extent to which MBIE have provided them with existing policy documents.*

*a. Please supply all meetings/memos/email discussions with the technical focus group with regards to how scientific uncertainty will be managed and how future risk from the scaling up of releases into the is scientifically, culturally and politically justifiable.*

*Please include all meetings/memos/email discussions with the technical focus group referencing precaution and/or the precautionary principle; and the findings of the Royal Commission and work by the Parliamentary Commissioner for the Environment.*

*b. The technical focus group will presumably be interested in there being sufficient regulatory powers to surveil and assess the changing risk environment, so as to protect health, the economy and the environment. Please supply all discussions with the technical focus group concerning proposed powers for the regulator.*

*This may include the potential powers to monitor the published scientific literature and surveil the global environment (for newly identified risks from off-target and unanticipated impacts from GMO development and release, regulatory changes, court decisions), and monitor and assess releases into the environment for the long term.*

*[4] Please supply 'up to date gene regulation' information on how regulations in the top performing OECD nations and the latest decisions by the European Parliament compare against Australia and the proposed hybrid regulations, that have been sent to the technical expert group for assessment.*

MBIE's response to questions 1 and 4 is as follows:

- [1] *Terms of reference*: terms of reference for MBIE's Technical Advisory Group are attached.
- [4] *OECD approaches*: MBIE's latest summary of international approaches to gene technology regulation can be found in pages 128 to 129 of the *Regulatory Impact Statement – Reform of Gene Technology Regulation* on MBIE's website here: <https://www.mbie.govt.nz/dmsdocument/29936-regulatory-impact-statement-reform-of-gene-technology-regulation-pdf>. Therefore, this part of your request is refused under section 18(d) of the Act, as the information requested is publicly available.

We are uncertain what information you are seeking for your remaining questions. Could you please confirm that our understanding of the below questions is accurate:

- [2] *Scientific information*: We assume this a request for all academic literature or expert reports provided to the TAG.
- [3a] *Managing scientific uncertainty*: We assume the scientific uncertainty part of this question covers how the Regulator will consider uncertainty when making decisions. We note the TAG's role was to provide technical advice and it was not asked to justify any policy decisions.
- [3b] *All powers of the Regulator*: We assume this covers information on the regulator's powers to surveil and assess the changing risk environment, and not for other, unrelated powers of the Regulator.

Once you have clarified the points above we will endeavour to respond to them as soon as possible, however to do this we will need to extend the due date of your request until 5 February 2025 to allow us sufficient time for the necessary consultations which cannot be made within the original time limit.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact [OIA@mbie.govt.nz](mailto:OIA@mbie.govt.nz).

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

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'de Jong', enclosed within a hand-drawn oval shape.

Tony de Jong  
**Manager, Biotechnology Policy & Regulation**  
Labour, Science and Enterprise, MBIE