



s 9(2)(a)

18-D-01996

Dear

s 9(2)(a)

Official information request relating to the Royal Commission on Genetic Modification

I refer to your official information request dated 16 September 2011 for information relating to the Royal Commission on Genetic Modification specifically:

"When was Sir Thomas Eichelbaum appointed to chair the inquiry and when were inquiries first made of his availability? Please send me all records relating to this request.

How much was he paid, what was his rate of payment and on what dates did he work on the inquiry?

Was Sir Thomas asked to declare any conflicts of interest or potential conflicts of interest? Please send me a copy of any such declaration by him, and a copy of his employment contract"

Your request is refused under section 18 (e) of the Official Information Act on the basis that the information requested cannot be found despite reasonable efforts to locate it.

While the information you have requested cannot be located we have attached a copy of the warrant appointing individuals to the Royal Commission. This document is also available from the National Archives.

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 or freephone 0800 802 602.

Yours sincerely

Brian Hallinan
Manager, Environmental Risk and Innovation



4

In Executive Council

His Excellency the Governor-General is recommended to

sign pursuant to section 2 of the Commissions of Inquiry Act 1908, the attached Order in Council appointing

THE RT HON SIR (JOHANN) THOMAS EICHELBAUM (Chair)
DR JACQUELINE SHERBURD TE MAKAHI ALLAN
DR JEAN SUTHERLAND FLEMING
THE RT REV (JOHN) RICHARD RANDESON

to be a Royal Commission to inquire into Genetic Modification.

Minister for the Environment

Marian L. Hobbs

Approved in Council

60

Clerk of the Executive Council

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Royal Commission on Genetic Modification

Elizabeth the Second, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith:

To The Right Honourable Sir THOMAS EICHELBAUM, G.B.E., of Wellington, formerly Chief Justice of New Zealand; JACQUELINE ALLAN, of Auckland, medical practitioner; JEAN SUTHERLAND FLEMING, of Dunedin, scientist; and the Right Reverend RICHARD RANDERSON, of Auckland, Bishop of the Anglican Church:

GREETING:

Appointment and order of reference

KNOW YE that We, reposing trust and confidence in your integrity, knowledge, and ability, do, by this Our Commission, nominate, constitute, and appoint you, The Right Honourable SIR THOMAS EICHELBAUM, JACQUELINE ALLAN, JEAN SUTHERLAND FLEMING, and The Right Reverend RICHARD RANDERSON,

to be a Commission to receive representations upon, inquire into, investigate, and report upon the following matters:

- (1) the strategic options available to enable New Zealand to address, now and in the future, genetic modification, genetically modified organisms, and products, and
- (2) any changes considered desirable to the current legislative, regulatory, policy, or institutional arrangements for addressing, in New Zealand, genetic modification, genetically modified organisms, and products:

Relevant matters

And, without limiting the order of reference set out above, We declare that, in conducting the inquiry, you may, under this Our Commission, investigate and receive representations upon the following matters:

- (a) where, how, and for what purpose genetic modification, genetically modified organisms, and products are being used in New Zealand at present:
- (b) the evidence (including the scientific evidence), and the level of uncertainty, about the present and possible future use, in New Zealand, of genetic modification, genetically modified organisms, and products:
- (c) the risks of, and the benefits to be derived from, the use or avoidance of genetic modification, genetically modified organisms, and products in New Zealand, including—

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

- (i) the groups of persons who are likely to be advantaged by each of those benefits; and
 - (ii) the groups of persons who are likely to be disadvantaged by each of those risks:
- (d) the international legal obligations of New Zealand in relation to genetic modification, genetically modified organisms, and products:
- (e) the liability issues involved, or likely to be involved, now or in the future, in relation to the use, in New Zealand, of genetic modification, genetically modified organisms, and products
- (f) the intellectual property issues involved, or likely to be involved, now or in the future, in relation to the use in New Zealand of genetic modification, genetically modified organisms, and products:
- (g) the Crown's responsibilities under the Treaty of Waitangi in relation to genetic modification, genetically modified organisms, and products:
- (h) the global developments and issues that may influence the manner in which New Zealand may use, or limit the use of, genetic modification, genetically modified organisms, and products:
- (i) the opportunities that may be open to New Zealand from the use or avoidance of genetic modification, genetically modified organisms, and products:
- (j) the main areas of public interest in genetic modification, genetically modified organisms, and products, including those related to—
- (i) human health (including biomedical, food safety, and consumer choice);
 - (ii) environmental matters (including biodiversity, biosecurity issues, and the health of ecosystems);
 - (iii) economic matters (including research and innovation, business development, primary production, and exports);
 - (iv) cultural and ethical concerns:
- (k) the key strategic issues drawing on ethical, cultural, environmental, social, and economic risks and benefits arising from the use of genetic modification, genetically modified organisms, and products:
- (l) the international implications, in relation to both New Zealand's binding international obligations and New Zealand's foreign and trade policy, of any measures that New Zealand might take with regard to genetic modification, genetically modified organisms, and products, including the costs and risks associated with particular options:
- (m) the range of strategic outcomes for the future application or avoidance of genetic modification, genetically modified organisms, and products in New Zealand:
- (n) whether the statutory and regulatory processes controlling genetic modification, genetically modified organisms, and products in New Zealand are adequate to address the strategic outcomes that, in your opinion, are desirable, and whether any legislative, regulatory,

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

policy, or other changes are needed to enable New Zealand to achieve these outcomes:

Definitions

And We declare that, in this Our Commission, unless the context otherwise requires,—

genetic modification means the use of genetic engineering techniques in a laboratory, being a use that involves,—

- (a) the deletion, multiplication, modification, or moving of genes within a living organism; or
- (b) the transfer of genes from one organism to another; or
- (c) the modification of existing genes or the construction of novel genes and their incorporation in any organisms; or
- (d) the utilisation of subsequent generations or offspring of organisms modified by any of the activities described in paragraphs (a) to (c)

genetically modified organism means an organism that is produced by genetic modification

organism includes a human being

product includes every medicinal, commercial, chemical, and food product that (while not itself capable of replicating genetic material) is derived from, or is likely to be derived from, genetic modification:

Exclusions from inquiry

But We declare that you are not, under this Our Commission, to inquire into the generation of organisms or products using modern standard breeding techniques (including cloning, mutagenesis, protoplast fusions, controlled pollination, hybridisation, hybridomas and monoclonal antibodies):

Appointment of chairperson

And We appoint you, The Right Honourable SIR THOMAS EICHELBAUM, to be the Chairperson of the Commission:

Power to adjourn

And for better enabling you to carry this Our Commission into effect you are authorised and empowered, subject to the provisions of this Our Commission, to make and conduct any inquiry or investigation under this Our Commission in such manner and at such time and place as you think expedient, with power to adjourn from time to time and from place to place as you think fit, and so that this Our Commission will continue in force and any such inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

Consultation and procedures

And you are required, in carrying this Our Commission into effect,—

- to consult with the public in a way that allows people to express clearly their views, including ethical, cultural, environmental, and scientific perspectives, on the use, in

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

New Zealand, of genetic modification, genetically modified organisms, and products; and

- to adopt procedures that will encourage people to express their views in relation to any of the matters referred to in the immediately preceding paragraph; and
- to consult and engage with Maori in a manner that specifically provides for their needs; and
- to use relevant expertise, including consultancy and secretarial services, and to conduct, where appropriate, your own research:

And you are empowered, in carrying this Our Commission into effect,—

- (a) to prepare and publish discussion papers from time to time on topics relevant to the inquiry; and
- (b) unless you think it proper in any case to withhold any evidence or information obtained by you in the exercise of the powers conferred upon you,—
 - (i) to include in any discussion papers prepared and published by you all or any of that evidence or information; and
 - (ii) to publish or otherwise disclose in such other ways as you think fit all or any of that evidence or information:

General provisions

And, without limiting any of your other powers to hear proceedings in private or to exclude any person from any of your proceedings, you are empowered to exclude any person from any hearing, including a hearing at which evidence is being taken, if you think it proper to do so:

And you are strictly charged and directed that you may not at any time publish or otherwise disclose, except to His Excellency the Governor-General in pursuance of this Our Commission or by His Excellency's direction, the contents or purport of any report so made or to be made by you:

And it is declared that the powers conferred by this Our Commission are exercisable despite the absence at any time of any 1 or any 2 of the members appointed by this Our Commission so long as the Chairperson, or a member deputed by the Chairperson to act in the place of the Chairperson, and at least 1 other member, are present and concur in the exercise of the powers:

And We do further declare that you have liberty to report your proceedings and findings under this Our Commission from time to time if you judge it expedient to do so:

Reporting date

And, using all due diligence, you are required to report to His Excellency the Governor-General in writing under your hands, not later than 1 June 2001, your findings and opinions on the matters aforesaid, together with such recommendations as you think fit to make in respect of them:

And, lastly, it is declared that these presents are issued under the authority of the Letters Patent of Her Majesty Queen Elizabeth the Second constituting the office of Governor-General of New Zealand, dated 28 October 1983¹, and under the authority of and subject to the

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

provisions of the Commissions of Inquiry Act 1908, and with the advice and consent of the Executive Council of New Zealand.

In witness whereof We have caused this Our Commission to be issued and the Seal of New Zealand to be hereunto affixed at Wellington this 8th day of May 2000.

Witness Our Right Trusty and Well-beloved Counsellor Sir Michael Hardie Boys, Principal Knight Companion of Our New Zealand Order of Merit, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Principal Companion of Our Service Order, Governor-General and Commander-in-Chief in and over New Zealand.

Richard Gooden
Governor-General.

By His Excellency's Command—

Aden Clark
Prime Minister.

Approved in Council—

Marie Shroy
Clerk of the Executive Council

¹ SR 1983/225.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982