



Cabinet Business Committee

**CBC Min (03) 3/12
Amended Minute**

Copy Number:

Minute of Decision

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Additional Item: Government Response to the Royal Commission on Genetic Modification: Legislative Changes for New Organisms: Paper 1: Overview

On 3 February 2003 the Cabinet Business Committee (CBC):

Background

- 1 **noted** that the Minister for the Environment was invited to report to the Cabinet Policy Committee (POL) by 31 January 2003 with proposals for amendments to law as a result of public consultation or proposals for public discussion which:
 - 1.1 form part of the government's response to the Royal Commission on Genetic Modification;
 - 1.2 provide for improving the operation of the Hazardous Substances and New Organisms Act (HSNO) 1996 for new organisms;

[CAB Min (02) 24/4]
- 2 **noted** that the paper under CAB (03) 17 is the first of 7 papers setting out proposed amendments to the Hazardous Substances and New Organisms and related Acts; other papers in this suite are:
 - 2.1 Paper 2: Laboratory Research, Cloning, and Human Cell Lines [CAB (03) 18; CBC Min (03) 3/13];
 - 2.2 Paper 3: Streamlining the Approval Process for Medicines That Are or Contain New Organisms [CAB (03) 19; CBC Min (03) 3/14];
 - 2.3 Paper 4: Conditional Release and Enforcement [CAB (03) 20; CBC Min (03) 3/15];
 - 2.4 Paper 5: Liability Issues for Genetic Modification (GM) [CAB (03) 21; CBC Min (03) 3/16];
 - 2.5 Paper 6: Ministerial Call-in and Confidential Supporting Information [CAB (03) 22; CBC Min (03) 3/17];
 - 2.6 Paper 7: Improving the Operation of the HSNO Act for New Organisms Including Zoo and Circus Animals [CAB (03) 23; CBC Min (03) 3/18];

Further paper

- 3 **noted** that the Minister of Agriculture will also shortly provide a paper describing the practicalities for coexistence of GM and Non-GM primary production;

Purpose and framework of legislation

- 4 **agreed** that the overall purpose of the amendments to law in the papers referred to in paragraphs 2 and 3 above is:
- 4.1 to provide a practical framework for proceeding with caution in the management of new organisms (including genetically modified organisms) while preserving opportunities;
 - 4.2 to increase the effectiveness and practicality of the HSNO Act for new organisms;
- 5 **noted** that the components of this framework are:
- 5.1 ensuring comprehensive and strict regulation by addressing omissions in the regulatory system;
 - 5.2 streamlining of the process of approving low-risk GM laboratory work (note that low-risk genetic modification is defined in regulations under the Act and this is used for the definition of a low-risk organism [CBC Min (03) 3/13];

Secretary's note: After the meeting of CBC, the Minister for the Environment advised that paragraph 5.2 should read as above.

- 5.3 streamlining procedures for assessment and approval of GM organism medicines, including approvals to deal with emergency situations;
- 5.4 providing for and setting out directions for conditional release of new organisms;
- 5.5 strengthening incentives to comply with the HSNO Act in relation to new organisms;
- 5.6 technical amendments designed to improve the operation of the Act, including enhanced Ministerial call in and improved procedures for management of confidential supporting information;

Legislation timetable

- 6 **noted** that the government has previously signalled its intention to introduce a Bill based on papers 2-7 of the suite of papers referred to in paragraph 2 above by the end of March 2003 and to complete the necessary legislative changes within the constraint period ending on 29 October 2003, and that the timing to achieve this remains tight;
- 7 **agreed** to the updated indicative timetable for progressing the legislation as set out in the Annex attached to this minute;

- 8 **invited** the Minister for the Environment to provide drafting instructions to Parliamentary Counsel covering the agreements from papers 2-7 of the suite of papers referred to in paragraph 2 above with a view to having a Bill available for introduction by the end of March 2003;

Maori reference group

- 9 **noted** that following agreement at the time of the government's response to the Royal Commission on Genetic Modification, a Maori Reference Group was appointed in early December 2002 to advise Ministers on amendments to the HSNO Act to better reflect the Treaty relationship between Maori and the Crown;
- 10 **agreed** that the Maori Reference Group should be provided with the maximum possible time to complete their advice consistent with the need for an amendment bill to contain amendments to better reflect the Treaty relationship between Maori and the Crown;
- 11 **noted** that the Maori Reference Group will report to Ministers by 20 February 2003;
- 12 **invited** the Minister for the Environment to report to POL by 28 February with proposed amendments in relation to the Treaty relationship to be included in the Bill for introduction in March 2003;

Announcement

- 13 **agreed** that the papers in the suite of papers referred to in paragraph 2 above be made publicly available as soon as practicable after decisions have been taken, and announced by the relevant Ministers;

Consultation

- 14 **noted** that the Minister for the Environment indicates that a special briefing will be given to the Labour caucus, and that other parties represented in Parliament will be consulted.

Hilary Troup
Secretary

Reference: CAB (03) 17; CAB Min (03) 3/2 - 8

Secretary's Note: This minute has been reissued with the annex referred to in paragraph 7.

Copies to: (see over)

Present:

Rt Hon Helen Clark (Chair)
Hon Dr Michael Cullen
Hon Jim Anderton
Hon Steve Maharey
Hon Phil Goff
Hon Jim Sutton
Hon Trevor Mallard
Hon Pete Hodgson
Hon Margaret Wilson
Hon Parekura Horomia
Hon Lianne Dalziel
Hon Mark Burton
Hon Paul Swain
Hon Marian Hobbs
Hon Ruth Dyson

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet

Copies to:

Cabinet Business Committee
Chief Executive, DPMC
Mary Anne Thompson, DPMC
Secretary to the Treasury
Chief Executive, Ministry of Economic Development
Secretary of Foreign Affairs and Trade
Secretary for Justice
Director-General of Health
Director-General, Ministry of Agriculture and Forestry (Agriculture)
Chief Executive, Ministry of Research, Science and Technology
Chief Executive, Te Puni Kokiri
Minister for the Environment
Secretary for the Environment
Minister of Conservation
Director-General of Conservation
Chief Parliamentary Counsel
Legislation Coordinator
Secretary, POL

Indicative timetable for new organisms amendments

Step (in reverse)	Estimated timing	Comments
Amendments in force	By 29 October 2003	
Amendment passed into law (includes 3 rd reading, committee of the whole etc)	September 2003	
Select Committee process including: <ul style="list-style-type: none"> • Submissions period • Hearing of submissions • Consideration, deliberation and report 	Mid-April 2003 – end August 2003	Assumes a substantial volume of submissions and the number of people wishing to be heard requiring hearings in several centres.
Bill introduced & referred to select committee	By mid-April 2003	The House is not timetabled to sit in the 3 rd and 4 th weeks in April 2003
Cabinet approval for introduction of Bill	Early April 2003	
Drafting instructions and Bill drafted	February – March 2003	
Maori reference group reports & decision on providing for the Treaty of Waitangi in the HSNO Act	By end February 2003	Further Cabinet decision required
Cabinet decisions on policy for the Bill excluding Treaty matters	End January 2003	Decisions on these papers
Final amendment proposals developed excluding Maori reference group advice on Treaty matters	November 2002 – January 2003	Papers in this suite
<i>Public consultation on proposed amendments</i>	<i>30 September – 15 November 2002</i>	<i>Completed</i>
<i>Discussion document distributed</i>	<i>30 September 2002</i>	<i>Completed</i>
<i>Cabinet approval of proposals for amendment (including coalition consultation)</i>	<i>Mid-September 2002</i>	<i>Completed</i>