



Extracts from Gene Technology Technical Advisory Group Meeting 5 June 2024.

AGENDA: GENE TECHNOLOGY TECHNICAL ADVISORY GROUP

Date and time:	9am – 11am Thursday 5 June 2024	
Location:	Microsoft Teams	
Chair:	Emily Parker (Ferrier Institute, Department Science Advisor MBIE)	
Invitees:	Tim Hore (Otago), David Ackerley (Victoria), Billy Sheppard (Auckland), Alec Foster (Scion), Jasna Rakonjac (Massey), Andy Allan (Plant and Food Research, Auckland), Nikki Freed (Auckland, Daisy Lab), Rachel Perret (Malaghan), Neil Gemmell (Otago), Richard Scott (AgResearch), William Rolleston (South Pacific Sera Limited), Maui Hudson (Waikato), Ariana Estoras (AgResearch)	
MBIE attendees:	Simon Rae, 9(2)(a)	(MBIE)
Apologies		

Time	Item	Lead
9.55am	The Regulator: decision making <ul style="list-style-type: none"> • Assessment of potential benefits • Precautionary approach • Independent decision-maker • Public consultation 	Emily GeneTech Team

MEETING PAPERS: 5 JUNE 2024 GENE TECHNOLOGY TECHNICAL ADVISORY GROUP

5. Paper title	The Regulator: decision making.
Meeting date	9am – 11am Thursday 5 June 2024
Approved by	Simon Rae

Item purpose and summary

Precautionary approach

- The current HSNO Act includes a provision requiring all actions undertaken under the Act to be undertaken with caution in the face of scientific uncertainty. This wording is significantly more conservative than the internationally agreed definition of the precautionary approach that appears in the Rio Declaration on Environment and Development of 1992. Our understanding is that this provision, and its interpretation by the courts, has encouraged a conservative approach on the part of the current regulator. The Australian Gene Technology Act restates the Rio Declaration wording which refers to “serious or irreversible damage” and the “cost effectiveness” of preventative measures.

- Good regulatory practice is to focus attention on how the operative mechanisms guide a risk management approach (for instance through setting out a risk management framework or decision methodology in secondary legislation), rather than seeking to guide the regulator through high level values statements.

Discussion questions

- What are your thoughts on the proposed decision making outlined?

MINUTES GENE TECHNOLOGY TECHNICAL ADVISORY GROUP: 5 JUNE 2024

Item	Discussion
The Regulator: decision making	<p>TAG was asked to consider various aspects of the regulator, including:</p> <ul style="list-style-type: none"> • Assessment of potential benefits • Precautionary approach • Independent decision-maker • Public consultation <p>Action: TAG to provide more comment on this agenda item to Chair via email.</p> <p>Points raised by members of the TAG at the meeting:</p> <ul style="list-style-type: none"> • Inclusion of precautionary principle unnecessary given the process of risk assessment. • Could be merit in a statement outlining benefits but with no requirement for an assessment.

Out of scope

From: 9(2)(ba)(i)

Date: Tuesday, 2 July 2024 at 4:10 'a0PM

To: Emily Parker <emily.parker@vuw.ac.nz>

Subject: RE: [IN-CONFIDENCE - RELEASE EXTERNAL] Draft minutes of the TAG meeting 5 June

Hi Emily

Out of scope

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You asked the TAG to provide you with comments on the following:

TAG was asked to consider various aspects of the regulator, including:

- Assessment of potential benefits
 - Precautionary approach
 - Independent decision-maker
 - Public consultation
-
- Benefits should not be considered. It risks lowering the bar by creating a trade-off. The regulator should be charged with managing the risk as in the Biosecurity Act (re Import Health Standards) and FSANZ.
 - The precautionary approach is not useful as it can be interpreted in both directions – do something because of scientific uncertainty or don't let scientific uncertainty stop you doing something.
 - Caution is built into risk management and does not need to be repeated.
 - An independent decision maker is preferable to a committee when making evidence-based decisions. This is strongly advocated by the OTGR.
 - The consultation outlined by the Australian legislation is appropriate with the addition of tangata whenua where consultation is chosen or required.
 - I do not support a statement of benefit being required. It might be good PR in some situations but is not necessary for the management of risks.

9(2)(ba)(i)

9(2)(ba)(i)

From: Emily Parker (LSE) <Emily.Parker2@mbie.govt.nz>

Sent: Monday, 24 June 2024 3:13 pm

To: Emily Parker <emily.parker@vuw.ac.nz>; Alec Foster <Alec.Foster@scionresearch.com>; William Rolleston <william.rolleston@southpacificsera.co.nz>; Hilary Sheppard <h.sheppard@auckland.ac.nz>; J.Rakonjac@massey.ac.nz; Nikki Freed <nikki.freed@auckland.ac.nz>; Andrew Allan <a.allan@auckland.ac.nz>; neil.gemmell@otago.ac.nz; maui.hudson <maui.hudson@waikato.ac.nz>; Richard Scott <Richard.Scott@agresearch.co.nz>; rperret@malaghan.org.nz; David Ackerley <david.ackerley@vuw.ac.nz>; Tim Hore <tim.hore@otago.ac.nz>; ariana.estoras@agresearch.co.nz

Cc: *LSE GeneTechTeam <*LSEGeneTechTeam@mbie.govt.nz>

Subject: [IN-CONFIDENCE - RELEASE EXTERNAL] Draft minutes of the TAG meeting 5 June

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Kia ora koutou

Please find attached the draft minutes for our June meeting. It is important that these minutes reflect our discussions and advice, so please take the opportunity to look through them and raise any issues either with me directly, or at our meeting.

Our next meeting is next week - so I will be in touch with agenda and papers when they come available.

As always, I am very happy to catch up on any issues that arise. Please don't hesitate to be in touch

Many thanks

Emily

Departmental Science Advisor

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