



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 <ul style="list-style-type: none"> • 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. • Out of scope [REDACTED]

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