



Cabinet

Minute of Decision

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Gene Technology Bill: Approval for Introduction

Portfolio **Science, Innovation and Technology**

On 9 December 2024, Cabinet:

- 1 **noted** that the Gene Technology Bill (the Bill) holds a category 5 priority on the 2024 Legislation Programme (to proceed to select committee by the end of 2024);
- 2 **noted** that the Bill will enable the safe use of gene technologies and regulated organisms by managing their risks to the health and safety of people and the environment;

Further policy decisions

Objective of the Gene Technology Regulator

- 3 **agreed** that the objective of the regulator will be to develop and maintain an independent, efficient and transparent system to regulate the use of gene technologies and regulated organisms to achieve the purpose of the Gene Technology Act;

Streamlining interactions with other regulators

- 4 **noted** that in August 2024, Cabinet agreed:
 - 4.1 that the regulator be given the power to deem approvals of new organisms under the Hazardous Substances and New Organisms Act 1996 (HSNO) as approvals under the proposed Gene Technology Act, if the regulator is satisfied that HSNO adequately addresses the risks to human health and safety and the environment;
 - 4.2 to amend the Agricultural Compounds and Veterinary Medicines Act 1997 (AVCM Act) to create the necessary powers to support joint assessments or joint decision making;

[CAB-24-MIN-0296]

- 5 **rescinded** the decisions referred to in paragraphs 4.1 and 4.2 above because the powers will not, in practice, be effective;

Information sharing

- 6 **agreed** to enable agencies to share information collected under the Gene Technology Act with other relevant agencies to support the performance of their functions, duties or exercise of powers under specified Acts;
- 7 **agreed** to enable agencies to share information collected under specified Acts with other relevant agencies to support the performance of the Gene Technology Act;
- 8 **agreed** that the specified Acts referred to in paragraphs 6 and 7 above are those listed in Appendix Two under CAB-24-SUB-0491;
- 9 **agreed** that the Gene Technology Regulator may disclose information (including personal or commercially sensitive information) to a recognised overseas regulator under an agreement between the two regulators on which the Privacy Commissioner has first been consulted;

Protection of confidential information

- 10 **agreed** that the Official Information Act 1982 will not apply to information received by the Gene Technology Regulator that is likely to relate to a licence application that has not yet been made until the application is received;
- 11 **agreed** that the regulator will be subject to specific confidentiality provisions from the Medicines Act 1981 and the ACVM Act;
- 12 **agreed** that, in situations when confidentiality provisions from the Medicines Act 1981 and the ACVM Act apply, the regulator will, in respect of the relevant activity authorisation:
- 12.1 be required to make available summary information of the relevant risks regarding the activity;
- 12.2 be able to disclose confidential information to persons prescribed by regulations;

Civil liability

- 13 **noted** that Cabinet previously agreed to carry over from HSNO its civil liability provisions [CAB-24-MIN-0296];
- 14 **noted** that the criminal offences and associated penalties in the Bill and the common law of torts provide adequate incentives for parties undertaking activities with regulated organisms to act properly and to meet their statutory duties, and not carrying over the civil liability provisions will better support the enabling intention of the new regime;
- 15 **rescinded** the decision referred to in paragraph 13 above;
- 16 **agreed** that the Bill does not include provisions for civil liability and that the common law of torts will apply;

Compliance with international obligations

- 17 **agreed** that the Bill include an overarching requirement for the Gene Technology Regulator to have regard to New Zealand's international obligations under the Convention on Biological Diversity (CBD) and the Cartagena Protocol in its decision-making;
- 18 **noted** that operating arrangements to give effect to New Zealand's obligations under the CBD and the Cartagena Protocol will be developed in due course;

Minor and technical issues

- 19 **noted** that Cabinet previously agreed that the Bill would provide the regulator with a standard set of compliance, monitoring, and enforcement powers [CAB-24-MIN-0296];
- 20 **rescinded** the decision referred to in paragraph 19 above because it is unnecessary for the regulator to have the powers given that the Ministry for Primary Industries will be the enforcement agency;
- 21 **agreed** the Gene Technology Regulator should have powers to develop, adopt, or amend standards for non-notifiable, notifiable, licensed activities and the different categories of activity: contained, environmental, and medical, and any subcategories of activities (including transport, treatment, fermentation, and disposal);
- 22 **agreed** to establish a specific transshipment licence to enable the efficient transit of regulated organisms through New Zealand;
- 23 **agreed** to include the power to charge levies in the Bill's cost recovery regulation making powers;
- 24 **agreed** that the Bill clarify that the Ombudsmen Act 1975 will apply to the Technical Advisory Committee and the Māori Advisory Committee, and that information held by these committees is official information held by the Environmental Protection Authority for the purposes of the Official Information Act 1982;

Approval, introduction and progress of the Bill

- 25 **noted** that for the purposes of clause 6 of the Bill (Interpretation), the Minister is the Minister of Science, Innovation and Technology, and the chief executive is the Chief Executive of the Ministry of Business, Innovation and Employment;
- 26 **approved** the Gene Technology Bill [PCO 26196/5.0] for introduction, subject to the final approval of the Government caucuses and sufficient support in the House of Representatives;
- 27 **agreed** that the Bill be introduced by 10 December 2024;
- 28 **agreed** that the Parliamentary Counsel Office can continue to make changes to the Bill that are approved by the Minister and consistent with Cabinet's policy decisions up until the Bill is printed for introduction;
- 29 **agreed** that the Government propose that the Bill be:
- 29.1 referred to the Health committee for consideration;
- 29.2 **Confidential advice to Government**

Rachel Hayward
Secretary of the Cabinet