

## **GENETIC ENGINEERING MORATORIUM AND COMMISSION OF INQUIRY BILL**

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### **EXPLANATORY NOTE**

This bill establishes a Commission of Inquiry to inquire into and report on the likely consequences of genetic engineering in New Zealand now and in the future. The Commission is to consider in particular the ethics, scientific and legal uncertainties, health risks and benefits, environmental effects and economic repercussions of genetic engineering of food, crops, animals and other organisms.

The bill also provides that until the Commission reports there is to be a moratorium on the release or field trials of transgenic crops, animals, or other organisms and on the approval of any further transgenic foods for sale in New Zealand.

Public concern and scientific debate over the use of genetic engineering is increasing and the uncertainty surrounding this technology is such that a full inquiry is required as soon as practicable.

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**GENETIC ENGINEERING MORATORIUM AND  
COMMISSION OF INQUIRY**

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ANALYSIS

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A BILL INTITULED

**An Act to establish a Commission of Inquiry to investigate and report on the likely consequences of genetic engineering in New Zealand now and in the future and to consider in particular the ethics, scientific and legal uncertainties, health risks and benefits, environmental effects and economic consequences of genetic engineering of food, crops, animals, and other organisms; and to provide for a moratorium on the sale, release or field trials of transgenic food, crops, animals, or other organisms in New Zealand**

WHEREAS there is much public and scientific debate over the use, risks and benefits of genetic engineering:

And whereas the effects of this technology on present and future New Zealanders are uncertain:

And whereas the uncertainty can best be remedied by establishing a moratorium and Commission of Inquiry:

BE IT THEREFORE ENACTED by Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Genetic Engineering Moratorium and Commission of Inquiry Act 1999.

(2) This Act comes into force on the day on which it receives the Royal assent. 5

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Commission” means the Commission of Inquiry established under **section 4**:

“Genetic engineering” means a process using laboratory or other technological means, including recombinant DNA and RNA technology which has, by means other than selective breeding or growth, added or removed parts of the genetic substance of the plant or food substance: 10  
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“Transgenic” means genetically engineered.

**3. Moratorium on considering applications for sale, release, or field trials of transgenic food, crops, animals, or other organisms in New Zealand**—(1) **Subsection (2)** applies to any application seeking consent for the sale, release, or field trials of transgenic— 20

(a) Food; or

(b) Crops; or

(c) Animals; or

(d) Other organisms— 25

to any authority which is given the power to consider such applications under any Act (“consent authority”), commencing on the day on which this Act comes into force and ending when the Minister’s response referred to in **section 6** has been presented to the House of Representatives. 30

(2) In relation to an application referred to in **subsection (1)**, the consent authority—

(a) Must not consider the application:

(b) Must not grant consent in respect of the application:

(c) Must return the application, and any fee which may accompany it, to the applicant as soon as practicable. 35

(3) The consent authorities may, in accordance with the relevant empowering Acts, consider applications referred to in **subsection (1)** if received before the day on which this Act was given a second reading in the House of Representatives. 40

**4. Commission of Inquiry established**—(1) There is established a Commission of Inquiry to receive representations upon, inquire into, investigate, and report to the Governor-General on the likely consequences of genetic engineering in New Zealand now and in the future, and in doing so to consider other matters such as:

(a) The scientific uncertainties surrounding genetic engineering;

(b) The health risks and benefits to the community of genetically engineered food, crops, animals, and other organisms;

(c) The environmental effects in local ecosystems and primary production of the release into the environment of genetically engineered organisms;

(d) The economic risks and benefits of genetic engineering of food, crops, animals, and other organisms;

(e) The ethical issues involved in genetic engineering and the best means of monitoring these issues, in particular (but not limited to) the necessity of a national monitoring body, its form and terms of reference;

(f) The legal uncertainties, in particular (but not limited to) any rights and liabilities involved;

(g) Any other matters which the Commission decides should be brought to the attention of the Governor-General.

(2) For the avoidance of doubt, a wide interpretation of the terms of reference in **subsection (1)** is to be given.

**5. Membership of Commission**—(1) The Commission must consist of 6 members appointed by the Governor-General on the recommendation of the House of Representatives.

(2) Notwithstanding **subsection (1)**, the members of the Board must include:

(a) A Judge of the High Court to be Chairperson; and

(b) A person who has knowledge and experience in a relevant science or technology; and

(c) A registered medical practitioner; and

(d) A person with knowledge and experience in ethics; and

(e) A person who carries on the business of primary production; and

(f) A person with knowledge and experience in environmental matters.

**6. Report of Commission**—(1) The Commission must report to the Governor-General its findings and opinions on the

matters specified in **section 4**, together with such recommendations as the Commission thinks fit to make in respect of those matters, by the expiration of two years from the day on which this Act comes into force.

(2) Subject to **subsection (1)**, the Commission may report its proceedings and findings from time to time to the Governor-General if the Commission judges it expedient to do so. 5

(3) The Commission must not disclose the contents or purport of any report by the Commission to the Governor-General, nor any evidence or information obtained by the Commission except such evidence or information as the Commission receives in the course of a sitting open to the public. 10

(4) A copy of the report or (as the case may be) the final report of the Commission must be presented to the House of Representatives by the appropriate Minister not later than 3 sitting days after receipt of the report by the Governor-General. 15

(5) The Minister must issue a written response to the report referred to in **subsection (4)** within 90 days of that report being presented. 20

(6) The response referred to in **subsection (5)** must be presented to the House of Representatives forthwith.

**7. Proceedings of Commission**—(1) Subject to this Act, the Commission may make and conduct any inquiry in such manner and at such time and place as it thinks fit. 25

(2) The Commission may adjourn from time to time or place to place, and resume any inquiry whether or not so adjourned.

(3) The powers of the Commission are not affected by any vacancy arising in the Commission, nor by the absence at any time of any member of the Commission. 30

**8. Commissions of Inquiry Act 1908 to apply**—

(1) Subject to the provisions of this Act, the provisions of the Commissions of the Inquiry Act 1908, as far as they are applicable and with the necessary modification, apply as if the Commission were a Commission of Inquiry appointed under that Act. 35

(2) Despite anything in the Commissions of Inquiry Act 1908, the Commission must call for public submissions in relation to the matters specified in **section 4** of this Act.