

**Voluntary Report** – Voluntary - Public Distribution

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**Report Name:** New Zealand Government Introduces Gene Technology Bill to House

**Country:** New Zealand

**Post:** Wellington

**Report Category:** Biotechnology and Other New Production Technologies, Agricultural Situation

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**Report Highlights:**

The New Zealand government has introduced the Gene Technology Bill 2024, aiming to establish a modern regulatory framework for gene technology and genetically modified organisms (GMOs). This legislation seeks to replace the existing regime under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) with a more flexible and enabling system. Key objectives include risk-proportionate regulation, efficient decision-making processes, and international alignment to enhance trade and technological advancements. On December 17, 2024, the Bill underwent its first reading in Parliament and legislators approved it for further scrutiny by the Health Select Committee.

## **Executive Summary:**

The New Zealand government has introduced the Gene Technology Bill 2024, aiming to establish a modern regulatory framework for gene technology and genetically modified organisms (GMOs). This legislation seeks to replace the existing regime under the Hazardous Substances and New Organisms Act 1996 (HSNO Act) with a more flexible and enabling system. The Bill emphasizes risk-proportionate regulation, efficient decision-making processes, and international alignment to facilitate trade and technological advancements.

The Gene Technology Bill 2024 (the Bill) combines multiple aspects into one Bill. The purpose of the Bill is to enable the safe use of gene technology and regulated organisms in New Zealand. The Bill intends to establish a new regulatory regime for gene technology and genetically modified organisms (GMOs). Replacing the current regime with a more enabling and modern regulatory system for managing gene technology. Objectives of the Bill seeks to provide for:

- Risk-proportionate regulation:
- Efficient application and decision-making processes:
- A flexible legislative framework able to accommodate future technological and policy developments without frequent amendment:
- International alignment, including with key trading partners, to facilitate trade and improve access to new technologies:
- Ways to recognize and give effect to the Crown's obligations under the Treaty of Waitangi.

As a result, legislators considered a bespoke legislative regime as the most efficient way to achieve these objectives.

Meanwhile, on December 17, the Bill underwent its first reading in Parliament. where legislators approved it to the Health Select Committee for further scrutiny in the legislative process.

## **Background**

In New Zealand, genetically engineered (GE) products are regulated under the 1996 Hazardous Substances and New Organisms Act (HSNO) and administered by the Environmental Protection Authority (EPA). This legislation has very tightly contained the use of Biotechnology products such as GMOs and GE in New Zealand. In 2001, a Royal Commission report on what was then classified as Genetic Modification (GM) highlighted the central conclusion that it would be unwise for New Zealand to turn its back on the potential benefits of biotechnology, but New Zealand should proceed cautiously - managing the risks associated with biotechnology, while encouraging organic production and sustainable agriculture.

Following this report, any proposals to amend the HSNO Act or change legislation have not been on the political agenda of successive governments.

## Political Context

Efforts to amend the HSNO Act have been minimal due to political sensitivities. However, following a general election in October 2023, the new coalition government prioritized modernizing biotechnology regulations. In August 2024, the Minister of Science, Innovation, and Technology announced the government's intent to end New Zealand's nearly 30-year ban on gene technology, stating:

“This is a major milestone in modernizing gene technology laws to enable us to improve health outcomes, adapt to climate change, deliver massive economic gains and improve the lives of New Zealanders.”

In early December 2024, during a Select Committee scrutiny session, Steve Abel, Greens Member of Parliament, questioned the Minister of Agriculture – Honorable Todd McClay on the negative impacts of Biotechnology on the primary sector. The minister responded that there are many tools available to global competitors that due to current legislation New Zealand farmers cannot benefit from. In addition, the minister also highlighted the need for balance in the rules, relating to the co-existence of biotechnology and conventional systems.

## Recent Developments

- **December 10, 2024:** The Gene Technology Bill was introduced for initial consideration.
- **December 17, 2024:** The Bill passed its first reading in Parliament and was referred to the Health Select Committee.

## Proposed Legislation

The Gene Technology Bill introduces significant updates to New Zealand's regulatory approach, including:

- **Dedicated Regulator:** Replacing the HSNO and include the provision of a dedicated gene technology regulator within the EPA.
- **Tiered Risk System:** Implementing a risk-based framework with exemptions for low-risk gene editing products and tailored licensing for higher-risk activities.
- **International Alignment:** Incorporating standards to facilitate trade and access to new technologies.
- **Cultural Considerations:** Addressing risks to Māori kaitiaki relationships with indigenous species, reflecting Treaty of Waitangi obligations.
- **National Consistency:** Prohibiting local authorities from restricting gene technology to ensure uniform regulations.

## Comparison with Australian Legislation

The Bill mirrors elements of Australia's Gene Technology Act 2000 but includes the following key variances:

Similarities:

--Regulatory Framework: New Zealand and Australia aim to establish a comprehensive regulatory framework for gene technology and GMOs to ensure safety and manage risks.

--Regulatory Bodies: Both countries propose the establishment of a Gene Technology Regulator. In New Zealand, this will be within the EPA, while in Australia, the Office of the Gene Technology Regulator (OGTR) oversees these functions.

--Advisory Committees: Both frameworks include advisory committees to provide expert advice. New Zealand's bill proposes a Technical Advisory Committee and a Māori Advisory Committee. At the same time, Australia's legislation includes the Gene Technology Technical Advisory Committee and the Gene Technology Ethics and Community Consultative Committee.

--Risk Management: Both legislative frameworks emphasize risk-proportionate regulation and efficient decision-making processes to manage the risks associated with gene technology.

Point of differences:

--Cultural Considerations: New Zealand's Bill specifically includes provisions to manage risks to Māori kaitiaki relationships with indigenous species, reflecting the country's commitment to the Treaty of Waitangi. This cultural consideration is unique to New Zealand and not explicitly present in the Australian legislation.

--International Alignment: The New Zealand bill emphasizes international alignment and collaboration with key trading partners to facilitate trade and improve access to new technologies. While Australia's legislation also considers international standards, the New Zealand bill explicitly mentions this as a key objective with dedicated clauses.

--Local Authority Restrictions: The New Zealand bill proposes to remove local authorities' ability to restrict the use of gene technology, ensuring a nationally consistent approach. In contrast, Australia's regulatory framework involves coordination with state and territory legislation, which can lead to regulation variations across different regions.

--Exemptions for Minimal Risk Gene Editing: New Zealand's bill includes provisions to exempt some products of minimal risk gene editing from regulation. This specific exemption is not highlighted in the Australian legislation. These similarities and differences reflect each country's approach to balancing innovation in gene technology with safety, cultural considerations, and international standards.

## **First Reading of the Bill**

The first reading of the Bill in Parliament was on December 17, 2024. It was voted in favor to be considered by the Health Select Committee for further scrutiny in the legislative process.

## **Support**

Introduced to the House by the Minister of Science, Innovation and Technology – Honorable Judith Collins. Noting that the Bill is a result of the commitment made at the formation of the new government to bring regulations for gene technology into the 21st century. This legislation would allow the appropriate management of risk and regulations of gene technologies. With the opportunities to enable innovation that will benefit health treatments in hospitals by supporting farmers in producing the best food in the world. In addition, it mentions that with the size of nation, the legislation would allow substantial collaboration from overseas expertise.

In other government speeches during the debate, the common theme was noting the changes that have occurred with science in gene technology since the implementation of the HSNO Act in 1996. Echoing the positive opportunities that the pathway proposed for regulations, would result in for healthcare, farming and environmental sustainability.

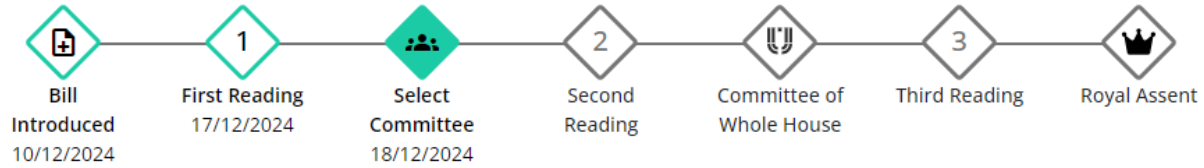
## **Support**

The government opposition and other parties notably did not support the Bill. The common concerns raised related to the perceived insufficient public consultation leading up to the introduction of the Bill to the House. In addition, there is a perception that the Bill is being rushed into the House without sufficient research conducted on the impacts of the use of GE and GMOs on the New Zealand economy and the ability to maintain market premiums.

## Current Stage

The Bill is now under review by the health select committee, a critical stage in New Zealand's unicameral legislative process. The committee will examine the Bill in detail, gather public input, and propose amendments before its second reading. The New Zealand government operates under a unicameral legislature system, so these committees function as the upper house equivalent.

**Figure 1: Progress of Bill**



Source: New Zealand Parliament

### Attachments:

No Attachments.