



appendix 2

Outcomes of Consultation: Submissions from Interested Persons

Section contents

| | | |
|----|--|----|
| 1. | Methodology of analysis, report content and themes | 13 |
| | Background | 14 |
| | Purpose of the IP report | 14 |
| | Organisations granted Interested Person status | 14 |
| | Submission format | 15 |
| | Methodology | 15 |
| | Project team | 15 |
| | Methodological approach | 16 |
| | Registration of submissions | 16 |
| | Data analysis methods | 16 |
| | Format and language in the IP report | 20 |
| | Outline of the IP report | 20 |
| | IP report content | 21 |
| | IP report themes | 22 |

1. Methodology of analysis, report content and themes

Background

Purpose of the IP report

The analysis of written submissions by Interested Persons stands as a subsidiary report within the volumes constituting the complete report of the Royal Commission. It is referred to here as the “IP report”. It provides a summary and analysis of the issues raised in 107 written submissions from organisations accorded Interested Person status as part of the Commission’s process. Each of the written submissions has been given full consideration, and this report reflects the key points raised in those submissions. The report does not provide an in-depth analysis of every point raised in the submissions.

The purpose of the IP report was to provide a summary of issues raised by submitters to assist the Commissioners in their deliberations and to provide a public record of the key issues raised in the submissions from Interested Persons. The report was prepared relatively early on in the Commission process and formed one of first analyses of key issues identified by submitters.

Organisations granted Interested Person status

In total, 107 written submissions were received from 117 organisations that had been accorded Interested Person status. In some instances, several organisations grouped together to provide a joint submission; and in other instances, organisations that were given Interested Person status chose not to provide a written submission.

To fulfil the legal requirements for Interested Person status, an applicant had to satisfy the Commission that “he has an interest in the inquiry apart from any interest in common with the public”. Further detail on the requirements for Interested Person status and the process by which this status was granted are described in Appendix 1 (see “Processes of the Commission: Formal Hearings: the process”).

Submission format

Interested Persons wishing to make submissions were invited to respond using a standardised document based on the Warrant that set out the matters that the Commission had been appointed “to receive representations upon, inquire into, investigate, and report upon”. The Warrant for the Commission is contained in Appendix 1 (see “Operational detail: Terms of reference”).

The “Call for Submissions” documents (Forms 3 and 4) were provided on the Commission’s website so that submitters would respond in the standardised format (preferably electronically). If requested, submitters were also emailed a copy of the Call for Submissions document or provided with hard copy. All submissions from Interested Persons were placed on the Commission’s website 10 working days before the submitter presented oral evidence to the Commission at the Formal Hearings.

In most instances submitters followed the format set by the Commission in responding to the Warrant. They provided written submissions, usually accompanied by witness briefs, and sometimes by background documents. Some submitters responded only to selected Warrant items on which they wished to comment. In a few instances submitters preferred to provide their views in a different format, such as a letter or list of key points, and did not follow the Warrant format.

This IP report has analysed the “submission” only. The witness brief material has been used only where the submitter stated in the submission that the response to the particular Warrant item was contained in the witness brief. Oral presentations made by submitters at a later stage in the Commission process and the results of cross-examination of witnesses do not form part of the IP report.

Methodology

Project team

The project team for the IP report comprised a team of independent submission analysts employed by the Commission secretariat, assisted by the Centre for Research Evaluation and Social Assessment (CRESA), a Wellington-based social science research company. CRESA provided input on methodological design, frequency and cross-tabulation analysis of data, and quality assurance review of the IP report. The independent analysts undertook the summary and analysis of the submissions and wrote the IP report.

Methodological approach

The methodology used to analyse the 107 submissions involved both qualitative and quantitative data analysis methods. As the submitters were a “specially selected” group of interested persons, the data does not represent a statistically valid or random sample. Comments provided in the IP report are therefore not representative of the population at large.

The development of the methodology for the analysis began at the end of October 2000 and the first draft of the IP report was provided to the Commissioners on 22 December 2000.

Registration of submissions

All of the 107 submissions were given a specific identifier number when received by the Commission. The numbering system involved a code of one to three digits preceded by “IP” (standing for “Interested Person”). This system allowed differentiation between submissions received from Interested Persons and submissions received through the public submission process. Submissions are referred to throughout the IP report using the name of the submitter and the associated IP number. Details of the nomenclature for all Interested Persons are listed in Table 1 (see “Introduction to Appendix 2”).

Copies of the submissions were distributed to the Commissioners and the analyst team. A master copy of the submissions was kept at the Commission’s secretariat offices. Copies of the submissions were also placed on the Commission’s website.

Data analysis methods

The first stage of analysis involved a qualitative approach whereby the analyst read through each submission and summarised the key points raised under each of the Warrant items and recorded the summary points on a form specially prepared for that exercise. Quotations that clearly illustrated points being made by submitters were also recorded. Other records noted included: if the submitter wanted the submission material to be kept confidential and not publicly released; which Warrant items the submission focused on; whether there was explicit Maori commentary; whether there was Maori witness input; whether the submission was in Maori (Te Reo); and what was the submitters’ stance on genetic modification.

Once the qualitative review of the submissions was completed, the second phase was a quantitative analysis of the key issues raised. The quantitative analysis was designed so that the results could be analysed using the SPSS package (Statistical Package for the Social Sciences). This package performed frequency and cross-tabulation analysis of the data. Frequencies provided information on how many

submitters mentioned a particular issue; cross-tabulation analysis allowed relationships between different groups of data to be identified.

A coding system was developed to categorise the issues for quantitative analysis. Usually the coding of issues was relatively straightforward: a record of whether or not a submitter had mentioned a specific issue or had made “substantive comment” on an issue. In some instances, the analysts made an assessment across the whole submission to assign the code: for example, to determine the submitter’s overall stance on genetic modification or orientation on strategic options. These issues are marked with an asterisk (*) in the list below.

The specific items for each submitter that were coded for quantitative analysis included:

- IP number
- primary sectoral focus (eg, economic/production, environment, health, cultural/ethical, or other)
- industry grouping (eg, industry networks/associations, research organisations, other advocacy networks/associations, private companies, religious/spiritual groups, Maori, organics groups, consumer networks/associations, government bodies, occupational/professional groups, or other groups)
- stance on genetic modification* (eg, whether submitters were ‘strongly for’ or ‘tended to be for’ genetic modification, ‘neither for nor against’, or whether they ‘tended to be against’ or were ‘strongly against’ genetic modification)
- strategic options orientation* (eg, where submitters might be located on a continuum of strategic options for genetic modification ranging from a position where submitters would embrace all aspects of genetic modification within a lightly controlled regulatory framework through to a position where a submitter wanted no genetic modification, genetically modified organisms or products permitted in New Zealand)
- view on adequacy of current statutory/regulatory process
- problems with current statutory/regulatory process
- improvements to legislation
- improvements to Environmental Risk Management Authority (ERMA)
- improvements to regulatory process
- opportunities for genetic modification use in New Zealand
- opportunities from avoidance of genetic modification use in New Zealand

- on the basis of current information, whether use of genetic modification might ever be acceptable*
- circumstances under which genetic modification use might be acceptable*
- circumstances under which genetic modification would not be acceptable*
- whether there is (or is no) evidence that genetic modification poses risks or whether it is predominantly safe
- international obligations affecting genetic modification practices
- adequacy of current liability laws for genetic modification
- main issues raised relating to liability
- adequacy of current treatment of intellectual property issues relating to genetic modification
- main issues raised relating to intellectual property
- uses of genetic modification that submitters identify (in New Zealand or overseas)
- issues that the submitter has concerns about in relation to genetic modification* (such things as public health safety risks, food safety risks, economic, cultural, religious, ethical and environmental implications, public education and uncertainties around risks and benefits)
- what potential benefits submitters might see from genetic modification use
- extent of commentary on Maori issues in the submission
- extent of commentary on Treaty of Waitangi issues in the submission
- whether there was a Maori witness input
- key Maori issues raised
- key issues on which the submitter made substantial comment*
- whether New Zealand can combine genetic modification, genetic modification-free uses and organic uses*
- on which Warrant items the submitter made substantial comment*.

Once the coding was completed the data was analysed by CRESA using the SPSS package and the results were provided to the Commission analysts for use in writing up the IP report.

IP report write-up

In writing up the report of the Interested Person submissions, the aim was to identify patterns of opinion on the specific matters set out in the Warrant and, in

particular, to identify:

- where common views were expressed
- where divergent views were expressed
- strength of opinion around issues expressed
- matters which submitters considered are unresolved
- profiles of who held what view
- quotations to help illustrate key points of view.

The IP report used material from the quantitative analysis of issues, from the qualitative data captured in the first template and, in some instances, from going back to the original submission. Some submitters presented highly detailed material: this was not reported in depth, and only key points were extracted. The full texts of the submissions from the Interested Persons are publicly available on the Commission's website (<http://www.gmcommission.govt.nz>) until at least June 2002.

The report makes extensive use of quotations from individual submissions by Interested Persons. It therefore differs from the type of report on public policy issues that emphasises common themes emerging from submissions received. Such reports tend to quote individual submitters only if theirs is the only submission making a particular point or taking a particular stance. They generally record direct quotes only if a submitter's view succinctly crystallises a position or if it provides a good summation of a position that is representative of that of several submitters.

In this instance, the IP report was prepared as a working document to assist the Commissioners in their deliberations on evidence presented. A decision was made to identify and isolate particular views expressed by individual submitters. Submitters' views were specifically referenced to Warrant items, the result of which was to clarify their positions on particular issues associated with those Warrant items but to make it less easy to compare and contrast submitters according to overall positions throughout their submissions.

The approach adopted for the summary and analysis of submissions by Interested Persons was therefore largely dictated by the format in which the evidence was presented (ie, the specific Warrant items) and by the perceived requirements of the Commissioners.

The report does not purport to record all the issues relevant to each of the matters raised by the Warrant items. Most submitters did not comment on all aspects of every issue. The report summaries and analyses the information that submitters placed before the Commission as being representative of their views.

Format and language in the IP report

An explanation of the format of quotations has been provided previously (see “Introduction to Appendix 2: Quotations, abbreviations and macrons”), together with the nomenclature of Interested Persons in Table 1. A key point is that differing formats for quotations do not imply differing values attached to those quotations.

Similarly, use of words such as “commented”, “noted”, “made the point”, “expressed the view”, “suggested” etc in reporting the opinions of submitters do not indicate any differences in acceptance.

The IP report summarises and analyses the views of submissions by Interested Persons. It reports the issues identified by submitters: it does not take a position on them.

Outline of the IP report

The IP report has been prepared in sections that correspond to the Warrant items. Warrant item (j), which dealt with four main areas of public interest, was dealt with as four separate sections preceded by an introduction to the topic. Where there was overlap between the Warrant items, the sections have been grouped together or combined. Thus, strategic matters were grouped:

- strategy: an introduction; strategic options (Warrant item (1)), strategic issues (Warrant item (k)) and strategic outcomes (Warrant item (m))

Two Warrant items on international matters in relation to genetic modification were combined and two on legislative matters, thus:

- statutory and regulatory processes: changes considered desirable to the current legislative, regulatory, policy or institutional arrangements (Warrant item (2)) and adequacy of the current statutory and regulatory processes (Warrant item (n))
- international obligations and implications: international legal obligations (Warrant item (d)) and international implications of measures that New Zealand might take (Warrant item (l))

Within the three sections listed above submitters tended to provide similar material across the related Warrant items. This was particularly so for strategic matters where submitters tended not to clearly distinguish between strategic options, issues and outcomes. In other instances, submitters addressed only one of the Warrant items and made cross-references under the other related Warrant item(s) to that material.

Most sections have an introduction explaining the Warrant item and then providing a profile of the submitters who responded to that Warrant item. Some overlap of material occurs across the sections because many of the issues are closely related and similar concerns or issues arise under the different Warrant items.

IP report content

The content of the IP report was largely dictated by the scope and depth of submissions presented by Interested Persons. The majority of the submissions were extensive and specifically focused on Warrant items. However, submitters clearly saw some Warrant items of more significance than others. In addition, many submitters took the opportunity to present wide-ranging views both within and outside specific Warrant items.

Assessments were made to provide an indication of where submitters' principal interests and major concerns were. Where submitters made "substantial comment" (ie, comments of some length or substance) on a particular issue or a particular Warrant item this was recorded and identified. The assessment covered 14 areas where submitters evinced a particular interest and focus (such as social, personal, economic and legal issues) and 16 separate Warrant items.

These assessments showed that the issues attracting most comment were economic, regulatory, health issues, risk assessment and environmental issues. The Warrant items attracting most substantial comments were: strategic options, statutory and regulatory issues, issues of public interest (including health, economic, environmental, cultural and ethical issues) and legislative changes. Assessment along these lines showed both the Warrant items that were the major thrust of each submitter's case and the major issues that the submitters saw as important. They showed, for example, that submitters' views on economic issues were not confined to Warrant item (j) on economic issues of public interest. Many economic arguments could be found throughout the Warrant items dealing with strategic options and legislative changes. They also showed that spiritual concerns were an area of public interest that was not specifically identified in the Warrant.

Statistics for assessment of substantial comment on issues were:

- economic issues (53 submitters)
- regulatory issues (45 submitters)
- health issues (41 submitters)
- risk, risk assessment and management (40 submitters)

- environmental issues (35 submitters)
- intellectual property issues (29 submitters)
- Treaty of Waitangi issues (22 submitters)
- liability issues (21 submitters)
- Maori cultural issues (21 submitters)
- ethical issues (20 submitters)
- social issues (six submitters)
- spiritual issues (four submitters)
- other cultural issues (four submitters)
- insurance and underwriting (one submitter).

Statistics for assessment of substantial comment on Warrant items were:

- Warrant item (1): strategic options (78 submitters)
- Warrant item (2): legislative changes (56 submitters)
- Warrant item (a): where, how and for what purpose (57 submitters)
- Warrant item (b): evidence and uncertainty (35 submitters)
- Warrant item (c): risks and benefits (48 submitters)
- Warrant item (d): international obligations (23 submitters)
- Warrant item (e): liability issues (33 submitters)
- Warrant item (f): intellectual property issues (38 submitters)
- Warrant item (g): Treaty of Waitangi issues (35 submitters)
- Warrant item (h): global developments (38 submitters)
- Warrant item (i): opportunities from use or avoidance (43 submitters)
- Warrant item (j): areas of public interest (58 submitters)
- Warrant item (k): strategic issues (39 submitters)
- Warrant item (l): international obligations (17 submitters)
- Warrant item (m): strategic outcomes (37 submitters)
- Warrant item (n): adequacy of statutory and regulatory processes (62 submitters).

IP report themes

Major themes became apparent for each of the Warrant items discussed and are usually summarised at the beginning of each section. In keeping with the many

aspects of genetic modification technology and the continuum of opinion about its use, these key themes were wide ranging. For example, they included:

- New Zealand's international reputation
- the role of the Treaty of Waitangi
- tikanga principles
- protection of Maori traditional knowledge
- differing philosophical approaches to liability.

Some themes crossed many individual Warrant items, for example:

- the public's right to choose and opportunity to exercise choice
- the need for reliable information and more education on genetic modification.

The total body of written submissions by 107 Interested Persons provides a notable source of information on the wide range of issues raised by the subject of genetic modification, genetically modified organisms and products. As stated previously, the total resource of submissions is publicly available on the Commission's website (<http://www.gmcommission.govt.nz>), at least until June 2002.