



14 March 2025

Ref: DOIA-REQ-0010280-Claire Bleakley

Claire Bleakley
Email: claire@gefree.org.nz

Tēnā koe Claire

Thank you for your email of 14 February 2025 to the Ministry of Business, Innovation and Employment (MBIE) requesting, under the Official Information Act 1982 (the Act), the following information:

We are aware that you are working on the Gene Technology Bill for the Government. We have been reading all your information relating to the Gene Technology Bill on the MBIE website. Please consider this request under the Official Information Act.

Please may we have the documents relating to -

- 1. The consideration of liability issues that are in place relating to farmers who grow genetically engineered (GE) plants and cause contamination?*
- 2. How will the liability issues relating to local council roadsides, verges and green spaces being GE contaminated then causing GE contamination to farms?*
- 3. Will GE farmers be required to have insurance in the event of genetic contamination of non-GE farms? Or*
 - a. Will non-GE, organic farmers be required to have insurance in the event of genetic contamination of non-GE farms? Or*
- 4. Will the exempt GE seeds be available for the home gardener to grow?*
 - a. If so, what will be the liability issues related to genetic escape to others?*
- 5. All documents on segregation rules around the depot facilities for either non-GM or GM crops.*
 - a. Will they be in separate depots on different sites?*
- 6. Documents on the consideration of submitters ability to challenge the regulator decisions?*
- 7. What funding will be allocated to MPI to have the latest up-to-date detection tools for any unauthorized GE plants or animals?*
- 8. All correspondence relating to the removal of ethical and precautionary principles and why they were removed?*
- 9. All documents relating to the Treaty of Waitangi and its continuance in the Bill*
- 10. All surveys on farmer and manufacturers attitudes on whether to exempt organisms that have been bred through NBTs?*
- 11. What were the biotech products that generated \$2.7 million in revenue in 2020?*
- 12. What evidence-based documents that have been considered as to the understanding of the better management of the risks?*
<https://www.gefree.org.nz/> 2
- 13. All the evidence-based documents that were provided to show the GE white clover reduced methane emissions and improved animal health.*
- 14. The documents and surveys relating to consultation with Māori on native taonga?*
- 15. Documents on the funding allocation for the most current diagnostic “omics” tests for monitoring?*
- 16. All legislative documents to show England and EU have passed into law and are growing exempted NBTs and GE crops without regulation?*
- 17. All documents regarding consultation with conventional, organic and regenerative, Te Waka kai ora*

farmers and consumers on the NBT and GE exemptions?

18. All economic and survey data on the export trade response to the removal of the GE Free status of Aotearoa's export products?

19. All economic survey data on international export markets purchasing of Aotearoa's GE products?

20. Which Countries would be buying our products?

21. Which Corporations would be investing in the NBTs or GE adoption in Aotearoa?

We are anticipating these are the questions that will arise in the Gene Technology Bill and would like to have them answered so as to be fully prepared for the consultation and submission period?

I am writing to respond in part to your request and notify you that MBIE requires an extension to respond to the remaining request fully. MBIE's further response will be sent to you no later than 18 April 2025.

MBIE considers an extension is needed to respond to your request in full due to required consultations that cannot be reasonably made within the original time limit. Please note that some of the consultation required to inform a decision on release of these documents may result in their inclusion on a proactive release process.

In considering this request I have interpreted "documents" to relate to formal advice and records of discussion (such as meeting minutes or interview summaries). A broader interpretation including emails and similar documents would likely require a refusal of some or all of your request under section 18 due to substantial collaboration, even after considering the provisions in section 18A.

Please see MBIE's response to your request below.

Regarding the following requests:

14. The documents and surveys relating to consultation with Māori on native taonga?

17. All documents regarding consultation with conventional, organic and regenerative, Te Waka kai ora farmers and consumers on the NBT and GE exemptions?

Documents released to you through a previous request (DOIA-0008002) remain the only documents in scope of this request.

Regarding your request:

13. All the evidence-based documents that were provided to show the GE white clover reduced methane.

One document was identified as in scope; "AgResearch draft application to obtain approval for new organisms in containment for MBIE case study". This document was also in scope of your previous request (DOIA-0008002), as set out in that response it is withheld in full under sections 9(2)(b)(ii) and 9(2)(ba)(i).

Refusals under section 18(d)

Documents relating to several of your requests are available on the Ministry's website at:

<https://www.mbie.govt.nz/dmsdocument/29940-regulation-of-gene-technologies-policy-decisions-proactive-release-of-advice-proactiverelase-pdf>

I am therefore refusing the following aspects under section 18(d), as these documents are publicly available:

8. All correspondence relating to the removal of ethical and precautionary principles and why they were removed?

9. All documents relating to the Treaty of Waitangi and its continuance in the Bill.
12. What evidence-based documents that have been considered as to the understanding of the better management of the risks?

Regarding your request:

11. What were the biotech products that generated \$2.7 million in revenue in 2020?

We assume you mean \$2.7 billion in revenue in 2020. This information is available in the "[Biotechnology in New Zealand 2020](#)" report on the Biotech New Zealand webpage.

Withholdings under section 9(2)(f)(iv)

Regarding your requests:

"7. What funding will be allocated to MPI to have the latest up-to-date detection tools for any unauthorized GE plants or animals?"

"15. Documents on the funding allocation for the most current diagnostic "omics" tests for monitoring?"

Funding relating to the proposed gene technology regime is under active consideration, and therefore are withheld under section 9(2)(f)(iv)

Refusals under section 18(e)

Regarding your request for:

4. Will the exempt GE seeds be available for the home gardener to grow? a. If so, what will be the liability issues related to genetic escape to others?"

Regulations, including on any specific exemptions under the Act, particularly at the level of specificity you have requested information on, are yet to be developed. I therefore refuse the following question under section 18 (e).

Regarding your request for:

5. All documents on segregation rules around the depot facilities for either non-GM or GM crops. a. Will they be in separate depots on different sites?

Segregation rules are still under active consideration, however, I do not consider any documents exist at this time at the level of specificity of your request. I therefore refuse this aspect under 18 (e).

The following requests are also refused under 18(e) as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found:

2. How will the liability issues relating to local council roadsides, verges and green spaces being GE contaminated then causing GE contamination to farms?

3. Will GE farmers be required to have insurance in the event of genetic contamination of non-GE farms? Or

a. Will non-GE, organic farmers be required to have insurance in the event of genetic contamination of non-GE farms? Or

10. All surveys on farmer and manufacturers attitudes on whether to exempt organisms that have been bred through NBTs?

16. All legislative documents to show England and EU have passed into law and are growing exempted NBTs and GE crops without regulation?

18. All economic and survey data on the export trade response to the removal of the GE Free status of Aotearoa's export products?

19. *All economic survey data on international export markets purchasing of Aotearoa's GE products?*
20. *Which Countries would be buying our products?*
21. *Which Corporations would be investing in the NBTs or GE adoption in Aotearoa?*

Extension of time to respond to two aspects of your request

The extension of response time for your request specifically relates to the following to questions:

1. *The consideration of liability issues that are in place relating to farmers who grow genetically engineered (GE) plants and cause contamination?*
6. *Documents on the consideration of submitters ability to challenge the regulator decisions?*

MBIE's further response will be sent to you no later than 18 April 2025.

If you wish to discuss any aspect of your request or this response, or if you require any further assistance, please contact OIA@mbie.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of our decision to extend the time limit and our decisions (below) concerning parts of your request. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink, appearing to read 'de Jong', enclosed within a large, loopy oval shape.

Tony de Jong
Manager Biotechnology Policy & Regulation
Labour, Science and Enterprise, MBIE