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Review of the Forty-Nine
Recommendations of the
Royal Commission on
Genetic Modification

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Genetic Modification**

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Report *Review of the Forty-Nine Recommendations of the Royal Commission on Genetic Modification*

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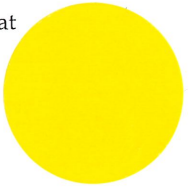
Table 11 The Biotechnology Century: Three Major Proposals cont.

<p>What the RCGM Recommended</p>	<p>14.2 That Government establish Toi Te Taiao: The Bioethics Council to:</p> <p>a. Act as an advisory body on ethical, social and cultural matters in the use of biotechnology in New Zealand.</p> <p>b. Assess and provide guidelines on biotechnological issues involving significant social, ethical and cultural dimensions.</p> <p>c. Provide an open and transparent consultation process to enable public participation in the Council's activities.</p>
<p>What Government Delivered</p>	<p>This recommendation was accepted by the Government. It was agreed to establish the Bioethics Council and to follow the suggested guidelines for its activities. The Government also decided to disestablish the Independent Biotechnology Advisory Committee (IBAC) (MfE, 2001a; 2003e).</p> <p>December 2002: The Bioethics Council was established by the Cabinet Minute [POL (02) 117] (MfE, 2007). Importantly, it was established to advise Ministers only. Therefore ERMA has no formal relationship with the Council, although ERMA does obtain ethical advice through its own Ethics Advisory Panel (EAP).³⁴ The Council's Terms of Reference are to:</p> <ol style="list-style-type: none"> 1. Provide independent advice to Government on biotechnological issues involving significant cultural, ethical and spiritual dimensions. 2. Promote and participate in public dialogue on cultural, ethical and spiritual aspects of biotechnology, and enable public participation in the Council's activities. 3. Provide information on the cultural, ethical and spiritual aspects of biotechnology. (Bioethics Council, 2007) <p>2005: The Council was independently reviewed by the State Services Commission in 2005. The resulting report, titled <i>Bioethics Council Review Report</i>³⁵, found the purpose of the Council to be valid and that it had become a trustworthy vehicle for education and public discourse on emergent biotechnology issues. The report made a number of recommendations that endorsed the Council's current role and structure but suggested changes aimed at strengthening accountability and communication between the Council and key stakeholders, and the Council and key Ministers (SSC, 2006: 21). It also suggested the formation of an <i>ad hoc</i> Ministerial Coordination Group on Bioethics to inform the Council's work programme, to receive and discuss reports and coordinate any appropriate response.</p>

This Document gives context to Bioethics Council

³⁴ Information about the EAP is available on ERMA's website <http://www.ermanz.govt.nz/about/eap.html>. An Ethics Framework document is also available at <http://www.ermanz.govt.nz/resources/publications/pdfs/ER-PR-05-1.pdf>.

³⁵ This report was not made public and was requested under the Official Information Act.



4. Examination of the Forty-Nine Recommendations

Table 11 The Biotechnology Century: Three Major Proposals cont.

	<p>To date, the Bioethics Council has covered or is currently covering the following issues in terms of their ethical, social and cultural implications:</p> <ol style="list-style-type: none"> 1. Pre-birth testing; 2. Māori responses to biotechnologies; 3. Animal-to-human transplantation (xenotransplantation); 4. Human assisted reproduction; 5. Human genes in other organisms; and 6. The New Organisms and Other Matters Bill. <p>For each issue public dialogue is utilised to develop ethical guidelines. All publications from the Bioethics Council are available on their website (Bioethics Council, 2007).</p>
<p>What We Concluded</p>	<p>To what extent has the recommendation been implemented? Partially Implemented</p>
	<p>Is further policy work required by central government? Yes: Ongoing</p> <p>Discussion</p> <p>Although the Ministerial Coordination Group on Bioethics was established in November 2006 (as discussed in the SSC review above), there has been no government response to the previous Bioethics Council reports or any new reports published since that date.</p> <p>We consider the work of the Bioethics Council is important and must continue. We are less clear about how Government will consider and adopt its recommendations. Questions as to the extent to which the work and recommendations of the Council inform government management of biotechnologies with ethical implications (see Recommendations 7.5, 7.6, 9.2 and 12.1) are discussed further in Sustainable Future’s report, <i>The Future of Genetic Modification in New Zealand</i> (Sustainable Future, in press).</p>

Table 11 The Biotechnology Century: Three Major Proposals cont.

<p>What the RCGM Recommended</p>	<p>14.3 That Government establish the office of Parliamentary Commissioner on Biotechnology to undertake futurewatch, audit and educational functions with regard to the development and use of biotechnology in New Zealand.</p>
<p>What Government Delivered</p>	<p>2001: It was agreed that the futurewatch, audit and educational functions in relation to biotechnology needed attention (MfE, 2001a).</p> <p>The Government felt that its criteria to determine the need for a Parliamentary Commissioner were not met by the proposal of the Royal Commission on Genetic Modification. Instead the intended function of the Parliamentary Commissioner would be incorporated into the existing institutional structure for addressing biotechnology issues (MfE, 2001a).</p> <p>The futurewatch function of this recommendation is being covered by MoRST under their <i>Futurewatch</i> work programme, which 'aims to build Government's alertness to new scientific knowledge and technologies and the sort of implications, opportunities and risks that they present to New Zealand' (MoRST, 2007b).</p> <p>January 2005: MoRST published the <i>Biotechnologies to 2025</i> report (MoRST, 2003b) which provides an overview of national and international trends in biotechnology with reference to their surrounding social and business context and ways in which biotechnology may impact on New Zealand in the future.</p> <p>The educational aspect of this recommendation could be considered to be covered by the development of a Biotech Regulatory WayFinder. This was developed by MoRST and provides detailed information on what is involved in the regulation of biotechnology in New Zealand, as well as links to more information. This resource provides both the public and researchers with easy access to information surrounding biotechnology. Following this, MoRST contracted the establishment of a futurewatch network called the Navigator Network, which operated from 2005-2007.</p> <p>The Biotechnology Strategy notes the need to 'conduct periodic independently contracted audits to assess whether the regulatory regime and its operation are achieving an appropriate balance between assurance and innovation' (MoRST, 2003c). In 2005, MoRST commissioned a <i>Biotechnology Regulatory System Baseline Study – Landscape Report</i> (MoRST, 2005) to identify key factors and drivers of interactions within New Zealand's biotechnology regulatory system.</p>

4. Examination of the Forty-Nine Recommendations

Table 11 The Biotechnology Century: Three Major Proposals cont.

<p>What We Concluded</p>	<p>To what extent has the recommendation been implemented? Not Implemented</p>
	<p>Is further policy work required by central government? Yes: Significant</p> <p>Discussion</p> <p>As no Parliamentary Commissioner has been established, this recommendation has not been actioned. It remains unclear whether any other roles have been created to address the independent audit functions of biotechnology within the existing institutional structure. Additionally, the question remains as to whether a ministry or department operating within the boundaries set by its Minister or by Cabinet is able to achieve the same outcomes as a Parliamentary Office independent of the government.</p> <p>One of the key outcomes of the status quo is that members of the public who have concerns about this technology have no independent body with which to lodge concerns. This has led to a number of high-profile court cases. As a result, court cases funded by private funds are progressing public good issues, and public funds (due to FoRST funding of CRI) are being used to progress private good issues (i.e. commercial objectives). We consider the roles and functions proposed by the Commissioners in regard to the Parliamentary Commissioner on Biotechnology to be sorely lacking and that the Government should reconsider its decision regarding this recommendation.</p> <p>We believe there are significant benefits to be obtained from Government providing an independent entity to hear public concerns and complaints. For example, such an approach may ensure better decisions are made, better controls are put in place, less sabotage of crops occurs and lower legal costs are incurred (due to fewer legal actions being brought against ERMA and CRIs). We think many New Zealanders consider the benefits of GM crops have been overstated, the risks understated, and that there are more effective ways to spend public money. Therefore we consider that without an independent body to undertake the functions recommended by the Commission, the continued development of genetic modification, in particular GM crops, will continue to trigger public protests in the short to medium term.</p>

Table 11 The Biotechnology Century: Three Major Proposals cont.

What the RCGM Recommended	14.4 That the Ministry of Research, Science and Technology develop on a consultative basis a medium- and long-term biotechnology strategy for New Zealand.
What Government Delivered	<p>2001: The recommendation to develop a biotechnology strategy for New Zealand was accepted by the Government (MfE, 2001a).</p> <p>October 2002: A public discussion paper on a New Zealand biotechnology strategy was published (MoRST, 2002).</p> <p>May 2003: <i>The Biotechnology Strategy for New Zealand</i> was published (MoRST, 2003a). MoRST funded the Navigator Network (2005–2007) and the Regulatory WayFinder to aid the implementation of the biotechnology strategy.</p>
What We Concluded	<p>To what extent has the recommendation been implemented?</p> <p>Fully Implemented</p> <hr/> <p>Is further policy work required by central government? Yes: Ongoing</p> <p>Discussion</p> <p>The Government needs to clarify the requirements around review, and the process for modifying this strategy in the light of new science and research outcomes or changes in the international arena. It also needs to share with the public what (if any) mechanisms are in place to ensure relevant agencies are acting in line with this strategy.</p> <p>In addition, while MoRST is the agency with primary responsibility for the biotechnology strategy, it is not clear to what extent cultural, ethical and spiritual dimensions, and cross-agency policy areas, are currently being taken into account.</p>