

section 3.5 |



appendix 1

Context and process

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3.5 Public Submissions: the process

Introduction

In order to consult with the public in a way that allowed New Zealanders to express their views clearly, the Commission invited written submissions from members of the public on the risks and benefits of using genetic modification in New Zealand. The use of public submissions was one of a number of methods used by the Commission to gather public opinion during its inquiry.

More than 10,000 public submissions were received by the closing date of 1 December 2000 and placed on the Commission website. An analysis of their content is included in Appendix 3 (“Analysis of Public Submissions”).

Following is an outline of the process involved in receiving public submissions during the inquiry.

Establishing the process

This Commission, as with all commissions of inquiry, was bound by the provisions of the Commissions of Inquiry Act 1908 (the Act), including section 4A(1), *Persons entitled to be heard*.

Section 4A(1) of the Act identifies the situations in which a person is ‘entitled to appear and be heard at the inquiry’. These include where a person is ‘party to the inquiry’ or where a person satisfies the Commission that they have ‘an interest in the inquiry apart from that in common with the public’. Following an application process, Interested Persons were required to prepare a written submission and make a presentation to the Commission during its Formal Hearings. Further details regarding the Act and its definition of Interested Persons are contained in this volume (“Formal Hearings: the process”).

However, the Commission’s terms of reference (the Warrant) required the Commission to consult with the public. Acknowledging that all New Zealanders were interested in the inquiry, the Commission developed an extensive consultation programme that included a series of Public Meetings, Hui, Youth Forum, Public Opinion Survey and written Public Submissions.

In the Commission’s opening statement on 7 August 2000, the Chair outlined the submission process and explained the distinction between Interested Person and general public submissions:

Those not granted “interested person” status under Section 4A(1) will still be entitled to file submissions with the Commission in written form (preferably in electronic format, but typed or handwritten ones will be accepted). Any further participation by such persons is a matter for the discretion of the Commission. We will let them know whether we would like a personal appearance as well, having regard in particular to the help the Commission believes it could receive by hearing that person or body. Such an appearance may involve cross-examination.

Since there has been comment about this, we stress that the distinction between so called “interested persons” and the general public is not one the Commission has established. The same law applies to all Commissions of Inquiry and we are bound by it. We assure the public that their voice will be heard. “Interested person” may give the wrong impression, we know all of you are really interested, but those happen to be the words of the Act of Parliament.

No doubt many people will wish to place written submissions before the Commission. We should like to say now that we will be looking for quality in the submissions, rather than quantity. Repeat submissions, based on a common template, will be identifiable readily enough. The work of the Commission will not be helped by any who try to flood our website in that way. Should that occur, we will not hesitate to make it known publicly.

Invitation to make submissions

Members of the public were invited to make submissions to the Commission by 1 December 2000 via news releases, public notices and at Public Meetings.

The Commission first informed the public of its intention to receive public submissions in a news release issued on 26 June 2000. Additional news releases on 21 August 2000, 31 August 2000, 1 November 2000 and 20 November 2000 reiterated the call for submissions.

An advertisement was placed in national daily newspapers on 2 September 2000. A final call for submissions was made in the public notice section of all daily newspapers on 25 November 2000. In addition, 140 A4-size posters were issued to all Citizen Advice Bureaus in New Zealand on 12 October 2000 to encourage participation in the submission process.

The Commission also called for submissions at the Scoping Meetings on 7, 8 and 9 August 2000 and subsequent Public Meetings and Hui.

Submission guidelines

The Commission issued its Call for Submissions on 31 August 2000. The document included general formatting guidelines and a submission template (referred to as Form 3). A series of topic headings (Form 4) was also provided as guidelines for preparing a public submission. The Call for Submissions stated that submissions that did not follow either of the formats would be accepted.

Public submissions could be in electronic or hard copy (preferably typed rather than handwritten) and emailed or posted to the Commission office by 1 December 2000. The Commission made it clear in its Call for Submissions and in its Opening Statement that repeat or ‘form’ submissions based on a common template would not be of assistance to the inquiry.

All submitters were requested to provide contact details in the event of being called by the Commission to provide additional material.

Those wishing to make written submissions in Maori were requested to provide an English translation along with their submission. Translations would be independently verified by the Commission.

Reference was also made in the Call for Submissions to the Commission’s intention to publish submissions on its website, unless confidentiality was sought. The Commission however reserved the right to refrain from publishing all or any part of a submission.

The Call for Submissions and accompanying forms were available from the Commission website and its office.

Receipt of submissions

Submissions were received by the Commission office from July 2000 onwards. As of 1 December 2000, 10,904 submissions were received from the New Zealand public. The majority of submissions were received from individuals and were of one page or less. Many chose to forward their submissions by email.

A number of organisations, including Government departments, submitted material through the public submission process. Several organisations, including Greenpeace and GE-Free New Zealand, created one-page templates that were filled in, faxed or emailed to the Commission office. Further details regarding the submissions are contained in Appendix 3 (“Analysis of Public Submissions”).

A team of Commission staff processed the submissions by date-stamping, entering contact details (where available) into a database, checking for duplications (because many submitters forwarded their submissions via more than one medium) and

issuing identifying numbers. In addition, approximately 30 submissions required translating. The submissions were photocopied and forwarded to an analysis team, another copy was processed for publication on the website by removing submitters' contact details, and the originals were filed.

A selection of 116 submissions was initially placed on the Commission website in December 2000. Following development of an extensive database, a roll-out of the 10,000-plus submissions to be published on the web began in March 2001. The Commission reserved its right not to publish all submissions received on the basis that approximately 500 were illegible, offensive or were form submissions.

Conclusion

In an open letter to the Commission on 30 November 2000 and an accompanying news release, a group of individuals called for an extension of the submission deadline. The Commission responded with a media statement that rejected the allegations made by the group about its consultation processes and reiterated that submissions were required the following day.

In addition, the Commission stated that:

As a result of its paid advertising and the almost daily coverage by the New Zealand media of the Commission, its activities and the GM debate, the Commission believes the public has been adequately informed of the consultation process and the processes used have fully met the requirements of its terms of reference ... We note that many of the signatories to this letter are Interested Persons and have yet to appear before the Commission during its Formal Hearings. They will have ample opportunity to present any points of view on GM that may have been overlooked.

The submissions received from the public have been independently analysed for content and included in the material used by the Commission to form its opinions as outlined in the Report.