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appendix 3

Outcomes of Consultation: Submissions from the Public

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1. Scoping Meetings: summary of outcomes

Introduction

To scope the questions for subsequent submissions to the Commission, the Commission conducted a series of public meetings in Wellington on 7–9 August 2000 and offered an online participation mechanism. The nature of this consultative process, which was open to any person, is outlined in Appendix 1 of the report (see "Processes of the Commission: Scoping Meetings: the process"). Written contributions by mail and email were also received.

This section describes the findings of the scoping process in terms of the issues and ideas expressed and the outcomes of the scoping process.

Issues and ideas expressed

The scoping process began with sets of general questions, and then allowed participants to formulate their own range of specific questions. These questions offered guidance on the full range of issues that the Commission should consider during the course of its deliberations.

Scoping was a preliminary phase of the Commission's activities. Hence the responses from participants were assessed for content; in particular, looking for hitherto unrecognised issues. They were not assigned any statistical weighting nor were they for use in deliberations. However, a degree of quantitative assessment occurred in that it was sometimes evident that responses revealed clusters of issues as major concerns.

The issues and ideas expressed through the scoping process are outlined below in terms of the type of response:

- issues generating most response, such as human health, environment and ethical issues
- issues crossing several topic areas, such as evidence and uncertainty, long-term effects, acceptable risk levels, and objectivity and quality of information
- issues specific to topic areas

- questions seeking information because of a lack of clear, reliable information
- largely rhetorical questions, often about conflicting views regarded as probably irreconcilable
- suggestions on topic emphasis.

The examples given illustrate how participants in the scoping process formulated the range of issues of genetic modification that should be considered by the Commission.

Issues generating most response

The scoping process revealed high levels of public interest in issues of human health, environment and ethics. Within the crops and food topic, human health and environment were significant issues. For the topic of uses of genetic modification in medicine, human health and ethical issues were at the fore. New Zealand's international legal obligations also generated numerous responses.

Participants in the scoping process for crops and food expressed their concerns over risk assessment and the adequacy of testing procedures for food safety, especially testing for long-term effects of genetic modification. They identified a need for ongoing and objective research on genetic modification. On environmental issues, participants formulated a wide range of questions about the effect of genetically modified crops on soil, biodiversity and biosecurity, and the risks of horizontal gene transfer.

Assessment of risk was again a major concern when participants considered the scope of medical issues of genetic modification technology. Contributors acknowledged the potential benefits of genetic modification in providing safer and/or more effective medicine but also expressed concerns about the possibility of unanticipated side effects, allergic reactions or long-term adverse effects. They stated the need for objective research and public education on medical applications of the technology.

On ethical issues associated with medical uses, contributors to the scoping process particularised numerous concerns. These covered a wide range of issues, such as: equality of access to medical benefits, rights of patient choice, animal welfare, allocation of health care resources and control of genetic information.

Participants also responded strongly to issues arising from international legal obligations. They identified New Zealand's policies on genetic modification as relevant to its international agreements (such as the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures and the supplementary agreement to the Convention on Biological Diversity known as the Cartagena Protocol on Biosafety), bilateral agreements with Australia (such as

Australia and New Zealand Closer Economic Relations Trade Agreement (ANZCERTA)), and the regulatory regimes of blocs of nations such as the European Union.

One of the major concerns was intellectual property law relating to the patenting of genetic information (as a general ethical debate and as an issue of proprietorship, including rights to indigenous genetic material). Participants questioned whether New Zealand could have its own intellectual property law distinct from that of its trading partners. They were concerned by the conflict between access to information for research needs and the confidentiality demanded by commerce and they asked whether the commercialisation of genetic modification technology should be regulated.

Issues crossing several topic areas

Some issues formulated during the scoping process were applicable over a range of topic areas. They included evidence and levels of uncertainty on aspects of genetic modification, testing methods, long-term effects, acceptable risk levels, ownership rights to knowledge, and the objectivity and quality of information. These were the issues on which participants appeared to want high-level action to provide appropriate assessment, monitoring, information and education.

As an example of these wide-ranging general issues, questions of objectivity and quality of information crossed several major topic areas. In crops and food, for example, participants identified issues relating to: authenticity of facts on food safety; accuracy and completeness of food labelling; checks on the origin of products; and the need for independent monitoring of laboratory work and field trials.

Similarly, in the topic area of medical applications, the scoping process identified issues of the accuracy of labelling, of the need for integrity in provision of information on genetic modification, and of patient choice depending on the completeness of information on medicines derived from genetic modification technology.

On the subject of intellectual property, participants identified a need for public education about patent issues. In responses to the subject of liability, they suggested that provision of full information to end users of the technology would remove any liability of retailers for the products of genetic modification.

Issues specific to topic areas

Other issues developed by participants in the scoping process were specific to the main topic area. For example, in the area of crops, food and environment, there was a specific issue on the marine environment, namely, whether it would be

regarded as a special case, given the difficulty of its management. Another involved the dangers of monoculture. On the topic of medical uses of genetic modification, participants stated concerns over the ethics and risks of xenotransplants.

Questions seeking information

Some of the issues developed through the scoping process were direct questions that sought information. They illustrated the complexity and extent of the subject of genetic modification. Among such questions were:

- What is the definition of a genetically modified product?
- What are the differences between genetically modified and non-genetically modified crops and technologies?
- When does a food become a medicine (eg vitamins)?
- What are the current controls on food safety?
- What are the Treaty of Waitangi obligations to Maori ethical rights?
- What are the specific Maori issues relating to intellectual property protection?

These questions confirmed the desire (expressed elsewhere by participants) for clear and unbiased explanations of the technology. People also sought information on genetic modification in relation to the special social and legal frameworks of New Zealand.

Rhetorical questions

Contributors to the scoping consultation also posed rhetorical questions, usually where there were conflicting viewpoints that they regarded as probably irreconcilable or matters that they considered as probably unanswerable. Often these views related to cultural and spiritual issues and people's rights.

Examples included:

- How does one balance Maori spiritual dimensions with Pakeha frameworks?
- How can the decision-making process accommodate the divergence of views of public against private, an individual against society, a minority culture against a majority culture?
- Who should choose someone else's genetic destiny?

Suggestions on topic emphasis and process

Various participants in the scoping process (particularly those who provided written comment by mail, email or online entries) made recommendations that went further than the formulation of specific issues at the workshop sessions. For example, they suggested changes in priorities to the blocks of subject matter. One

such suggestion was to increase the relative importance of ethical issues and break it down into subcategories of animal rights and welfare, human rights and ethics, and environmental ethics.

Outcomes of the scoping process

The scoping process provided the Commission with new information. It confirmed public interest in the issues of genetic modification and prompted planning for additional consultation initiatives. Participants in the scoping process provided the Commission with greater particularisation of the issues to be considered at Formal Hearings of Interested Persons and other forms of consultation.

Extent of national interest in genetic modification

The Scoping Meetings and online participation were among the earliest mechanisms for interaction between the Commission and the New Zealand people. The process revealed the extent of national interest in the subject of genetic modification and the proceedings of the Commission. This indication of the extent of public interest, unrelated to the clarification of issues at the heart of the scoping process, was nevertheless important. It confirmed the necessity for the Commission's commitment to facilitating dialogue with the people of New Zealand.

Review of consultation initiatives

As a result of these early indications from the Scoping Meetings of the depth of public concern, the Commission continued to review and expand its consultative options throughout August–September 2000. The schedule of Public Meetings and the Maori Consultation programme were reviewed and expanded. The Youth Forum was added to the mechanisms for consultation (see Appendix 1, "Processes of the Commission: Youth Forum: the process" and this volume, "Youth Forum: summary of outcomes).

The issues identified at the Scoping Meetings were used in the wider public consultation process of the Public Meetings.

Particularisation of issues

The Scoping Meetings, online participation and written contributions created a useful information resource on the issues to be considered by the Commission throughout the remainder of its deliberations. Clustering of responses provided an indication of which topic areas were related and which were particularly contentious issues. These blocks of subject matter and clusters of responses assisted the Commission in scheduling the Formal Hearings of Interested Persons so that

those with similar interests might be heard during consecutive sessions of the Hearings.

The scoping process provided an informative introduction to the role of the Commission in investigating the issues of genetic modification and receiving representations upon them. It reinforced the Commission's emphasis on consulting all New Zealanders on this subject.