



17th February 2025

Members of the Health Select Committee  
Parliament Buildings  
Wellington  
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Tēnā koutou,

Genomics for Aotearoa New Zealand (GFANZ) is an incorporated society and registered charity whose purpose is to promote the use of genomic science for the benefit of all society. In our view, the bill has significant flaws and omissions. It should be withdrawn at this stage and a broader, more inclusive process be conducted to address its considerable shortcomings.

We wish to make an oral submission to the committee.

The Gene Technology Bill 2024, proposes to establish a new regulatory regime for genetic technology and genetically modified organisms (GMOs) in Aotearoa New Zealand. In recent years, advances in gene editing (e.g., CRISPR-Cas9), and genomic sequencing have revolutionized fields such as precision medicine, agriculture, and conservation biology. The decreasing cost and increasing accessibility of these technologies has enabled groundbreaking applications, including targeted cancer therapies, medical diagnostics, and the use of environmental DNA (eDNA) to monitor and protect endangered species.

While these innovations present significant opportunities, their implementation must be governed with caution, ethical oversight, and robust regulatory frameworks. The current draft of the bill lacks the clear precautionary approach the public expects and does not adequately integrate Māori perspectives, despite the relevance of gene technologies to Māori interests in health, biodiversity, and kaitiakitanga (guardianship) of people and the environment both now and intergenerationally. The underpowered inclusion of a Māori committee in the decision-making processes not only risks unintended environmental and societal consequences but also contradicts the promise of Te Tiriti o Waitangi and breaches raised in Wai262, risking further litigation.

Given the powerful and far-reaching implications of gene technologies, it is essential that legislative developments proceed in a manner that is scientifically informed, culturally responsive, and environmentally sustainable. We leave it to others' submissions to inform the discussion such that the Gene Technology Bill reflects global best practices, protects New Zealand's biocultural heritage, stimulates (or hinders) the economy, and fosters inclusive, responsible innovations. We outline some concerns we have around Māori rights and interests, honoring te Tiriti, understanding who may or may not benefit, and insufficient separation from political influence.



## Enumerated Key Points

1. There has not been sufficient consultation with Māori communities prior to the development and introduction of this bill. The consultation with Māori that has been undertaken is, in our opinion, rather thin. Of particular note is the lack of specific consultation with WAI 262 connected people, who would be important stakeholders in assessing if this bill accurately reflects how to treat taonga species.
2. Te ao Māori worldviews and concepts such as whakapapa (geneologies, lineage, descent) are not adequately incorporated broadly within the bill.
3. WAI 262 claimants raised many significant claims around ownership of, and rights to, mātauranga Māori in regards to indigenous flora and fauna. These are detailed in the report “Ko Aotearoa tēnei”<sup>1,2</sup> The WAI 262 claims have not yet been settled. It appears that the bill was written primarily from a settler colonial perspective rather than a Crown as a Te Tiriti partner perspective. In our opinion, the bill does too little to address the claims raised in WAI 262, leaving open the possibility of harm being done to Māori rights and interests.
4. New Zealand is not a signatory to the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity<sup>3</sup>. This is the case despite the country having significant natural biodiversity and the promises made in article two of Te Tiriti o Waitangi. We are concerned that the global history of biopiracy could be repeated here by combining bioprospecting with ownership based on the patent regime that comes with the application of many gene technologies. There is a danger of opening path to privatisation of indigenous flora and fauna that is not adequately addressed in this bill.
5. As currently written, Māori communities are unable to elect their own representatives/kaitiaki to the committee. We suggest that given Māori capabilities and interests in gene technologies, Māori communities nominate and elect kaitiaki/representatives to the Māori committee.
6. This bill largely ignores the work that others have made towards tikanga frameworks. For example, some of the work that Professor Mere Roberts conducted such as, “*Walking backwards into the future: Māori views on genetically modified organisms*”<sup>4</sup> which proposed a framework integrating whakapapa (geneology), mauri (life force), and kaitiakitanga (guardianship). In “*South Island Māori perceptions of biotechnology*,”<sup>5</sup> participants expressed concerns about scientific uncertainties and long-term effects, advocating for the application of the precautionary principle and individual choice, finding a wide range of Māori opinions. In “*Consultation concerning novel biotechnologies: who speaks for Māori?*”<sup>6</sup> it is highlighted that Crown regulators need to comprehend these

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<sup>1</sup> Ko Aotearoa Tēnei Volume 1 ([https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_68356416/KoAotearoaTeneiT-T2Vol1W.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356416/KoAotearoaTeneiT-T2Vol1W.pdf))

<sup>2</sup> Ko Aotearoa Tēnei Volume 2 ([https://forms.justice.govt.nz/search/Documents/WT/wt\\_DOC\\_68356606/KoAotearoaTeneiT-T2Vol2W.pdf](https://forms.justice.govt.nz/search/Documents/WT/wt_DOC_68356606/KoAotearoaTeneiT-T2Vol2W.pdf))

<sup>3</sup> The Nagoya Protocol on Access and Benefit-sharing (<https://www.cbd.int/abs>)

<sup>4</sup> Roberts, Roma Mere. “Walking backwards into the future: Maori views on genetically modified organisms.” (2005).

<sup>5</sup> Roberts, Maria Elizabeth and John R. Fairweather. “South Island Maori perceptions of biotechnology.” (2004).

<sup>6</sup> Roberts, Mere. “Consultation concerning novel biotechnologies: who speaks for Māori?” International Social Science Journal 60



complexities and ensure that enough time and information are provided for informed and wide consultation. To our knowledge, there is no evidence that this government has made efforts to provide information (hui, reading materials, calls) specifically targeted to Māori communities about this bill.

7. The section “Objectives of the Bill” is silent on who is expected or intended to benefit from the bill itself. The bill speaks to consideration of risks, but not of benefits. Taken together, there appears to be some underlying presupposition that there will be benefits, that there may be specific beneficiaries, but those are not considered in the implementation. Therefore, no risk / benefit analysis is required by the provisions in this bill. Importantly, there is no provision to weigh a situation where some parties benefit to the detriment of other parties.
8. This bill does not sufficiently separate the regulator from political influence. It provides for the Minister to appoint the Gene Technology Regulator who will be employed by the Environmental Protection Authority, but not accountable to the EPA board.<sup>7</sup>
9. We note that the parallel regulatory committee of Australia (the Office of the Gene Technology Regulator; OGTR)<sup>8</sup> requires input from a member of the Gene Technology Ethics and Community Consultative Committee in addition to their Technical Advisory Committee. Our concern is that this role may be placed on the Māori Advisory Committee, or perhaps not being sufficiently considered at all. We suggest an additional ethical framework be incorporated into these decisions.
10. The bill is silent on how conflicts of interest will be managed amongst the Technical Advisory Committee. In addition, we note the ability of the Minister to add or remove members from this role with minimal oversight. We suggest a realignment to the OGTR’s approach.

To align with global best practices and uphold the Crown’s promises in Te Tiriti o Waitangi as well as other international treaties that Aotearoa New Zealand is party to (such as UNDRIP and The Mataatua Declaration), further Māori consultation is required. A regulatory framework with true and equal partnership must be developed—one that acknowledges the significance of gene technologies while safeguarding Aotearoa’s unique ecosystems, indigenous knowledge systems, and the rights and interests of Māori communities. Strengthening Māori participation in decision-making processes will enhance public trust, improve policy outcomes, and ensure that these innovations serve the interests of all New Zealanders. As it stands, the Gene Technology Bill does not sufficiently address Te Tiriti obligations of the Crown nor ensure that Māori are meaningfully engaged in shaping the governance of these powerful technologies.

The rapid advancement and increasing accessibility of gene technologies present significant opportunities for healthcare, conservation, and economic growth in Aotearoa New Zealand. However, the potential risks associated with their use—particularly regarding environmental integrity, public health, and cultural values—necessitate further consultation, especially including Māori voices.

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(2009): 145-151.

<sup>7</sup> NZ Legislation Disclosures Gene Technology Bill (<https://disclosure.legislation.govt.nz/bill/government/2024/110>)

<sup>8</sup> Office of the Gene Technology Regulator (<https://www.ogtr.gov.au/>)



## **Recommendation**

We recommend that the bill be withdrawn at this stage and a broader, Te Tiriti lead inclusive process be conducted to address its considerable shortcomings which are described in our enumerated key points above.

Nāku iti noa, nā,

A handwritten signature in black ink, appearing to read 'Robert Elshire', is written in a cursive style.

Robert Elshire  
President, Genomics for Aotearoa New Zealand  
On behalf of the Genomics for Aotearoa New Zealand council.