



Cabinet Business Committee

In Confidence

CBC Min (08) 26/9

Copy Number:

Minute of Decision

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Hazardous Substances and New Organisms (Genetically Modified Organisms - Information Requirements for Segregation and Tracing) Regulations 2008

Portfolio: Environment

On 29 September 2008, the Cabinet Business Committee:

- 1 **noted** that in July 2008, Cabinet invited the Minister for the Environment to develop, following necessary consultation, an Order in Council, regulations, or both, to prescribe requirements for segregation and traceability schemes, that the Environmental Risk Management Agency would have particular regard to imposing as controls when considering applications to conditionally release a genetically modified organism, particularly any genetically modified crop [CAB Min (08) 28/1C];
- 2 **noted** that the Hazardous Substances and New Organisms (Genetically Modified Organisms - Information Requirements for Segregation and Tracing) Regulations 2008 (the regulations), under section 140(1)(I) of the Hazardous Substances and New Organisms Act 1996 (the Act), give effect to the decision referred to in paragraph 1 above;
- 3 **noted** that the regulations have been developed as a means to give effect, in part, to the Government Co-operation Agreement with the Green Party of Aotearoa;
- 4 **noted** that Parliamentary Counsel certified the regulations on 25 September 2008 as being in order for submission to Cabinet, subject to a memorandum noting that the explanatory note to the regulations goes beyond a description of what the regulations do;
- 5 **authorised** the submission to the Executive Council of the Hazardous Substances and New Organisms (Genetically Modified Organisms – Information Requirements for Segregation and Tracing) Regulations 2008 [PCO 13350/11.0];
- 6 **noted** that the regulations will come into effect on the 28th day after the date of their notification in the *Gazette*;
- 7 **noted** that the Minister for the Environment will publicly release the submission under CBC (08) 451, the annexed Regulatory Impact Statement, and the relevant minutes of Cabinet's decisions, once Cabinet has made a decision;

Related work

- 8 **noted** that in July 2008, Cabinet directed:
- 8.1 the Ministry for the Environment to provide further advice to the Cabinet Policy Committee (POL) by 1 December 2008 on any amendments to the Act required to implement the proposal addressed by these regulations as mandatory controls under the Act;
 - 8.2 officials to report to POL by 31 August 2008 about how to adapt the European Union's (EU's) traceability framework for GM crops to be consistent with New Zealand's regulatory system;

[CAB Min (08) 28/1C]

- 9 **agreed** that, as the matters addressed by the two directions referred to in paragraph 8 are closely related, the report on the EU traceability framework referred to in paragraph 8.2, be deferred and incorporated into the advice that the Minister for the Environment is scheduled to provide to POL by 1 December 2008 (referred to in paragraph 8.1).

Saphron Powell
Secretary

Reference: CBC (08) 451

Present:

Rt Hon Helen Clark (Chair)
Hon Dr Michael Cullen
Hon Jim Anderton
Hon Phil Goff
Hon Annette King
Hon Pete Hodgson
Hon Parekura Horomia
Hon Chris Carter
Hon David Cunliffe
Hon Trevor Mallard
Hon Ruth Dyson
Hon Lianne Dalziel
Hon David Parker
Hon Rick Barker
Hon Steve Chadwick

Officials present from:

Office of the Prime Minister
Department of the Prime Minister and Cabinet

Copies to: (see over)

Copies to:

Cabinet Business Committee
Chief Executive, DPMC
 Director, PAG, DPMC
 PAG Subject Advisor, DPMC
Secretary to the Treasury
Director-General, MAF (Agriculture)
 Director-General, MAF (Biosecurity)
Secretary of Foreign Affairs and Trade
Secretary for Justice
Chief Executive, MED
 Chief Executive, Ministry of Research, Science and Technology
Chief Executive, Te Puni Kokiri
Secretary for the Environment
 Secretary for the Environment (ERMA)
Minister of Commerce
 Chief Executive, MED (Commerce)
 Chief Executive, MED (RIAU)
 Chief Executive, New Zealand Food Safety Authority
Minister of Customs
 Comptroller of Customs
Minister of Conservation
 Director-General of Conservation
Minister of Consumer Affairs
 Head, Ministry of Consumer Affairs
Chief Parliamentary Counsel
Secretary, POL