



Cabinet Business Committee

CBC Min (03) 3/16

Copy Number:

Minute of Decision

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Additional Item: Government Response to the Royal Commission on Genetic Modification: Legislative Changes for New Organisms: Paper 5: Liability Issues for Genetic Modification

On 3 February 2003 the Cabinet Business Committee, having been authorised by Cabinet with Power to Act [CAB Min (03) 3/2 - 8]:

- 1 **noted** that:
 - 1.1 existing liability rules will not always operate effectively to encourage precaution and provide compensation in relation to genetic modification (GM) but that this is not confined to GM and applies to a range of other activities;
 - 1.2 consequently devising a liability regime solely on the basis of a GM/non-GM distinction would not be sound in principle;
- 2 **agreed** that to strengthen incentives to comply with the regime, the Hazardous Substances and New Organisms (HSNO) Act 1996 should be amended to cover new organisms, to include a strict civil liability rule for harm caused by non-complying activities and a civil penalty regime for breaches;
- 3 **authorised** the Minister for the Environment, the Associate Minister of Justice (Hon Lianne Dalziel) and the Minister of Research, Science and Technology jointly to have Power to Act:
 - 3.1 to approve the detail of the amendments for strict civil liability by the end of February 2003;
 - 3.2 to approve the detail and timing of the amendments for a civil penalty regime by the end of February 2003;
- 4 **invited** the joint Ministers referred to in paragraph 3 above to report to the Cabinet Legislation Committee by March 2003 on their decisions on the civil liability and penalty regime;

Consultation

- 5 **noted** that the Minister for the Environment indicates that the Labour caucus will receive a special briefing and that other parties represented in Parliament will be consulted.

Hilary Troup
Secretary

Reference: CAB (03) 21; CAB Min (03) 3/2 - 8

Present:

Rt Hon Helen Clark (Chair)
Hon Dr Michael Cullen
Hon Jim Anderton
Hon Steve Maharey
Hon Phil Goff
Hon Jim Sutton
Hon Trevor Mallard
Hon Pete Hodgson
Hon Margaret Wilson
Hon Parekura Horomia
Hon Lianne Dalziel
Hon Mark Burton
Hon Paul Swain
Hon Marian Hobbs
Hon John Tamihere

Officials present from:

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

Copies to:

Cabinet Business Committee
Chief Executive, DPMC
Mary Anne Thompson, DPMC
Secretary to the Treasury
Chief Executive, Ministry of Economic Development
Secretary of Foreign Affairs and Trade
Secretary for Justice
Director-General of Health
Director-General, Ministry of Agriculture and Forestry (Agriculture)
Chief Executive, Ministry of Research, Science and Technology
Chief Executive, Te Puni Kokiri
Minister for the Environment
Secretary for the Environment
Minister of Conservation
Director-General of Conservation
Chief Parliamentary Counsel
Legislation Coordinator
Secretary, LEG