

Submission | *Submission on the Proposed Auckland Unitary Plan*

28 February 2014

Auckland Council
1 Greys Avenue, Auckland 1142.

To Unitary Plan Submission Team,

Please find attached the McGuinness Institute's submission on the proposed Auckland Unitary Plan.

Wendy McGuinness, Chief Executive would appreciate the opportunity to be heard in support of this submission.

Kind Regards,



Renata Mokena-Lodge
Head of Research

Contact Details:

Renata Mokena-Lodge, Head of Research
McGuinness Institute
l: Level 2, 5 Cable Street
p: PO Box 24222, Wellington
6142, New Zealand
t: +64 4 499 8888
f: +64 4 385 9884
e: rm@mcguinnessinstitute.org
w: www.mcguinnessinstitute.org

About the McGuinness Institute

The McGuinness Institute was founded in 2004 by Wendy McGuinness. The Institute is a non-partisan, not for profit research organisation, working towards a sustainable future, by contributing strategic foresight through evidence based research and policy analysis.

Experience

In preparing this submission we draw largely on the McGuinness Institute's overarching project, *Project: 2058* and in particular our work on *Project: Genetic Modification*.

Project: 2058 is the Institute's flagship project. It includes a research programme that aims to explore New Zealand's long-term future with a view to putting forward a National Sustainable Development Strategy (NSDS) for New Zealand. As part of *Project: 2058* we are preparing to launch *TalentNZ* which focuses on making New Zealand 'a place where talent wants to live,' inspired by the late Sir Paul Callaghan, a passionate New Zealander who cared deeply about the future of this country and its young people.

Our work on *Project: Genetic Modification* closely monitors developments in genetic modification and related policy both in New Zealand and internationally. Our recently released report *An Overview of Genetic Modification in New Zealand: the first forty years 1973 – 2013* provides a comprehensive overview of policy development through four key eras: (1) the journey towards the 2001 Royal Commission on Genetic Modification; (2) the Royal Commission and its findings, (3) the response to the Royal Commission, and (4) the era of institutional change from 2008 – 2013.

These projects are concerned with risk management and long-term strategic thinking for the benefit of New Zealanders. The Institute sees the effective use and management of New Zealand's resources as an integral part of our sustainable future.

1. Introduction

The McGuinness Institute has been researching policy surrounding genetically modified organisms (GMO's) in New Zealand for seven years.

In August 2013 the McGuinness Institute published *Report 16: An overview of genetic modification in New Zealand 1973-2013: the first forty years*, which was an update of two reports released in 2008: *A history of genetic modification in New Zealand* and *A review of the 49 recommendations of the Royal Commission on Genetic Modification*. The Institute felt it was timely to produce an updated report, to contribute to, and encourage broader discussion around the genetic modification debate in New Zealand, and to reflect on 40 years of policy.

This report found that New Zealand is no further ahead strategically on public policy regarding outdoor Genetically Modified Organisms (GMOs) than it was when the Commissioners of the Royal Commission on Genetic Modification reported their findings in 2001. The Institute found that the current regulatory framework in New Zealand is not fit for purpose. The benefits promised over the years have not materialised and subsequently it makes economic and environmental sense for New Zealand to position its self as a GM-free food producer, particularly as significant consumer resistance to GM food globally still exists. For example, we found that of the 57 outdoor experiments undertaken since New Zealand's first GM outdoor experiment in 1988, 70 per cent have been undertaken by government-funded institutions. To date these experiments have required significant public investment, but yielded no known commercial benefits for New Zealand.

Our report provided 12 recommendations for a way forward, one of which was to allow local authorities to regulate GMOs themselves (See Recommendation 6, p84). The Institute is of the opinion that we must proceed with caution and continue to carefully weigh up the benefits, costs and risks if we are to continue to be seen as a premium global food producer. As such, sections of the Proposed Auckland Unitary plan are of great interest to us and we appreciate the opportunity to comment on the proposals contained within it.

Please find attached a pdf copy of the aforementioned report, *Report 16: An overview of Genetic modification in New Zealand 1973-2013: the first forty years* (2013). We have also sent a hard copy of this report and the appendices for your reference.

2. Specific comments in regard to the Proposed Auckland Unity Plan

The Institute considers that local communities should have the ability to brand themselves as GM free food producers. This is especially important given the current uncertainties surrounding potential liability faced by councils in the event of GM contamination.

The Institute recommends central government undertake a full review of current legal liability, with particular focus on the potential for incorporation of financial fitness, ensuring companies undertaking GMO releases are capable of paying the costs resulting from any contamination.

Since a GMO release would inevitably deliver contamination of some level to both traditional and, in particular, organic food producers it is timely to consider firstly whether GMOs should ever be

released into the outdoors in New Zealand, and secondly whether the liability system in New Zealand is able to deal with contamination from emerging technologies.

(Please see chapters: 7.2.4: *Managing legal liability and the costs of co-existence* and 7.2.6 *Managing the relationship between central and local government*, for more on these points.) As such we are particularly interested in the following points addressed in the Proposed Auckland Unitary Plan:

2.1 Financial Accountability

Part 1 – section 6.6

Part 2 – section 5.17, policies 2 and 3

Part 3 – section 4.19, point 2.2

We note that the current liability scheme makes no requirement for an applicant to provide proof of financial fitness. Section 38D (d) of the Hazardous Substances and New Organisms Act 1996 allows for this, but to date neither ERMA nor the EPA has ever required it.

For this reason the Institute endorses the requirement of a bond for GMO field trials, as discussed in point 2.2 in section 4.19 of Part 3 and would encourage requiring proof of financial fitness as mentioned in Section 6.6 of Part 1 and Policy 2 of 5.17 of Part 2.

2.2 Activity classifications

Part 3 – section 4.19, 1. Activity table

The Institute supports the classifications of GMO releases (both food related and not) as prohibited activities.

The Institute recommends that outdoor GMO field trials also be classified as prohibited activities rather than discretionary. This is in recognition of the possible irreversible effects outdoor use of GMO's can have on the environment, taking into consideration an applicant's ability to apply for a plan change of this activity, and the fact that the rate of applications for outdoor GM experiments has declined considerably since 2000, means that such a classification is unlikely to adversely affect the public interest. (See Figure 5 p61).

2.3 Precautionary approach

Part 1 – section 1.5 and 6.6

Part 2 – section 5.17

The Institute supports the direction to employ the precautionary approach to manage risk in relation to the use of GMOs, its inclusion as a guiding principle of the Proposed Plan is commended.

For a more detailed explanation of our thinking on the points above we would like to direct your attention to chapters 7.2.4 and 7.2.6 of *Report 16: An overview of Genetic modification in New Zealand 1973-2013: the first forty years*.

Attached:

1. *Report 16: An overview of Genetic modification in New Zealand 1973-2013: the first forty years*.

