

Email to MPI, OIA 2021/05, Sent 5 January 2021

From: Wendy McGuinness <wmcg@mcguinnessinstitute.org>

Date: Tuesday, 5 January 2021 at 17:15

To: Official Information Act <Official.InformationAct@mpi.govt.nz>

Subject: Attention: Ray Smith [Your OIA20-0420 Response ERMA 200223]

Attention: Ray Smith, Director-General, MPI

Kia ora Ray,

AgResearch's transgenic outdoor experiments [ERMA 200223]

Thank you for MPI's response to our OIA (also attached).

The author of your response to our OIA, Alan Cook, has different interpretations of the committee's controls, the degree to which they should be implemented and how and when those controls should be reported against. Given the tone of Alan's response (such as 'MPI rejects the claims' in our letter), I am unsure how to progress a dialogue with MPI on this matter. However I do have a few specific questions that relate to Alan's response. Before listing these questions, you may be interested in the Institute's previous involvement in this matter.

Background

For your information I personally attended the ERMA 200223 hearing and have read the [[ERMA 2010 decision](#)] a number of times. I feel confident I appreciate how and why the 2010 committee of the authority crafted the decision and put in place the package of controls outlined in Appendix 2, and more importantly, explained their approach in pages 26-37. The Institute has prepared two detailed reports on genetic modification in 2008; one on the history of GM and the other on a review of the 49 recommendations of the Royal Commission. We have also published a summary report in 2013: *Report 16 – An Overview of Genetic Modification in New Zealand 1973-2013: The first forty years* (2013). All three reports can be found [here](#).

Specific Questions

The specific questions in regard to MPI's response are points of clarification.

Questions 1 to 4 relate to controls 11 and 12 in Appendix 2 of the 2010 ERMA decision. For example we note that your correspondence states: 'MPI is required to ensure that the report is provided by AgResearch and that it addresses the points listed in Control 11' (p. 1). Our goal is to understand what this means in practice.

Question 5 relates to MPI's cost recovery methodology and practice.

Q1: What date did MPI receive the 2020 ten-year annual report? The full name of the report is *Annual Report to Environmental Protection Authority for Activities under ERMA 200223 AgResearch Ltd For the 12 months ending 30th June 2020*. The report can be now be found on the EPA website [here](#)).

Q2: Did MPI receive the ten-year annual report from AgResearch or the EPA? If yes to this question, please explain the dates and the process in detail.

Q3: Was MPI involved, directly or indirectly, in reviewing the content of the ten-year annual report (or draft report) **before** it was sent to the EPA? If yes, please explain the process and provide copies

of all correspondence and notes of phone calls/meetings. Please explain what feedback was provided by MPI and provide any earlier versions of the report?

Q4: Was MPI involved, directly or indirectly, in reviewing the content of the ten-year annual report **after** it was sent to the EPA? If yes, please explain the process and provide copies of all correspondence and notes of phone calls/meetings. Please explain what feedback was provided?

Q5: Your correspondence notes: 'As is MPI's normal practice, all costs associated with AgResearch verification inspections are invoiced to AgResearch. The cost to MPI for these verification activities is therefore zero. Cost regulations are regularly reviewed by the MPI Cost Recovery team to ensure that any changes in the cost of service delivery are accommodated. The last review, and subsequent amendment of these cost regulations, was carried out in 2018.' (p. 3).

- (a) Please provide a copy of the invoices to AgResearch for these costs for each of the last three years. Please ensure this includes hours MPI staff attended AgResearch's premises as well as hours taken writing up the subsequent report.
- (b) We would also like to review the cost regulations. Your correspondence indicates this process was completed in 2018. Can provide a copy of this review (in 2018) and the previous review.

Thank you for your help in this matter.

Best wishes, Wendy

From: Official Information Act <Official.InformationAct@mpi.govt.nz>

Date: Friday, 2 October 2020 at 17:12

To: Wendy McGuinness <wmcg@mcguinnessinstitute.org>

Subject: OIA20-0420 Response

Tēnā koe Wendy,

Please find attached a response to your official information request.

Ngā mihi,

Siobhan Farquhar | Official Information Act Adviser

Official Information Act Team

Government Services | Public Affairs

Ministry for Primary Industries - Manatū Ahu Matua | Charles Fergusson Building, 34-38 Bowen Street

PO Box 2526 | Wellington 6011 New Zealand | Web: www.mpi.govt.nz

This email message and any attachment(s) is intended solely for the addressee(s) named above. The information it contains may be classified and may be legally privileged. Unauthorised use of the message, or the information it contains, may be unlawful. If you have received this message by mistake please call the sender immediately on 64 4 8940100 or notify us by return email and erase the original message and attachments. Thank you.

The Ministry for Primary Industries accepts no responsibility for changes made to this email or to any attachments after transmission from the office.