

Media Release

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Councils Can Set Own Standards for GMOs

Local authorities have the ability to manage local effects of GM organisms according to a legal opinion prepared by a leading QC.

As part of a report on managing genetic modification prepared for Northland's district councils and Local Government New Zealand, Dr Royden Somerville QC concluded that district councils have jurisdiction to manage GMOs and stated:

"I am of the opinion that there is jurisdiction under the Resource Management Act for [territorial authorities] and the Environment Court to control land uses regarding activities which involve outdoor field-testing or the release of GMOs for research or commercial use, in order to promote the sustainable management of natural and physical resources".

National regulation under the Hazardous Substances and New Organisms Act (HSNO) does not prevent local or regional regulation of GM activities in the environment under the RMA. Rather than being incompatible, Dr Somerville sees such an approach as complementary.

Precautionary objectives, policies and methods may be lawfully included in a district plan to manage risks involving GMO-related land uses according to Dr Somerville. In addition, Dr Somerville believes that local authorities have jurisdiction to take a precautionary approach to GM activities in their Long Term Council Community Plan (LTCCP).

Dr Somerville's legal opinion is appended to a wider report prepared by Simon Terry Associates that reports on options for community management of GMOs. It addresses a number of concerns raised by Northland local authorities in regard to the release of GMOs. These include economic, environmental and cultural issues such as: GM contamination of agricultural crops and native plants, and the financial risk to local authorities of having to meet the costs of any environmental damage.

The report focuses on the mechanisms that could be used to manage GM activities. It notes that the RMA can be used to establish areas in which GMOs are either managed or excluded if this is what communities determine is appropriate. The law does not prevent communities setting higher standards than those that may be imposed by the Environmental Risk Management Authority (ERMA).

The report was jointly funded by the Whangarei District Council, Far North District Council, Kaipara District Council, Rodney District Council and Local Government New Zealand. The report will be discussed and future options examined by the Whangarei District Council at its next meeting on 7 April.

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