

This letter in email form was sent on April 16, 2025 to academics and experts in law whose expertise intersects with constitutional and administrative law. The email was sent to scholars at the Victoria University of Wellington (16), University of Canterbury (1), University of Auckland (18) and the University of Waikato (16) to alert them to our concerns. One response was received.

LETTER TO NEW ZEALAND PUBLIC LAW SCHOLARS

April 16, 2025.

Re: Gene editing & science system reform processes poorly handled - undermining good process?

We at PSGR are emailing you because of your expertise in public law. Most recently, PSGR reviewed information in official documents that suggests that processes and conventions may have been short-circuited by the Ministry of Business, Innovation, and Employment (MBIE) officials and the Minister in charge, Judith Collins, in relation to the recent gene technology reform, and the science system reforms that are currently underway.

PSGR have published two papers under the title: *'When powerful agencies hijack democratic systems.'* The papers allege that government documents suggest that the Minister and MBIE officials may have acted to drive policy and legislative outcomes in a manner which may be neither fair nor impartial, but biased and potentially misleading.

1. PSGR (2025) *When powerful agencies hijack democratic systems. Part I: The case of gene technology regulatory reform.* Bruning, J.R., Dommissie, E.. Physicians & Scientists for Global Responsibility New Zealand. ISBN 978-1-0670678-0-9
2. PSGR (2025) *When powerful agencies hijack democratic systems. Part II: The case of science system reform.* Bruning, J.R.. Physicians & Scientists for Global Responsibility New Zealand. April 2025. ISBN 978-1-0670678-1-6

As a consequence of the review, PSGR calls for two separate public enquiries. The first (detailed in the [Part I paper](#)) is to evaluate the actions of that Minister and of officials in driving outcomes which appear to severely restrict the capacity of the new gene technology regulator. As such, PSGR has [sent a request](#) to the Ombudsman requesting that an Inquiry is held of the gene technology regulatory reform process.

There is little academic research in New Zealand on the intersection of public law, policy and scientific information. PSGR considers this an important and underserved research field, and both papers seek to highlight the role of public law principles to ensure that scientific information is not 'gamed' for political purposes.

The second focuses on the New Zealand science system. PSGR's [Part II paper](#) outlines how the science and research system has been decoupled from the power to undertake activities that serve the public purpose and support sound constitutional and democratic governmental practices. A public inquiry is required, as the current harried science system reforms continue the trajectory of limiting the public-good role of the science and research system in supporting decision-making and policy.

When freedom of scientific enquiry is suppressed, agencies can claim scientific facts, but there will be few expert scientists with the freedom to contradict these claims. This can lead to an abuse of power, as we discuss in our Part II paper.

While New Zealand scholars are well acquainted with the requirement that government officials follow recognised conventions and processes in public law, there has been little work done to ensure that scientific claims adhere to transparent and accountable conventions in a similar way, and follow good process. Scientific and technical claims have frequently become the underpinning justification for new policies and laws, but often government agencies, the media, and public figures, ignore situations where good process has not been followed. When good process has not been followed, and policies and rules are locked in, it is no wonder that society can become polarised.

PSGR have observed that the courts can become boggled by science, and fail to recognise and require agencies to adhere to good process and good practice. This includes updating information over time, even if it contradicts the status quo, to ensure that the basis of government policies and laws reflect the weight of scientific evidence.

The scientific method ensures that methodologies are declared, that research that is reviewed has included all relevant information, and that the underlying data has been transparently disclosed and published. As with public law conventions, scientific claims used to underpin policy must adhere to good process. This includes new policies, laws and guidelines used by regulatory agencies.

This important facet of public law is understudied in New Zealand. We hope there might be interest in the problems that we have identified, and our recommendations for public scrutiny of these reforms. We would appreciate any feedback from New Zealand's academic and public law community. A version of this letter will be sent to members of Parliament.

We hope you might forward this to colleagues whose interests intersect with the issues raised.

Kind regards| Ngā mihi

For the Trustees of

Physicians and Scientists for Global Responsibility

PSGR

New Zealand Charitable Trust