



Submission on Fast-track Approvals Bill

From: Nelson Tasman Climate Forum (<https://www.nelsontasmanclimateforum.nz/>)

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Introduction

The Nelson Tasman Climate Forum (NTCF) is a community-based organisation with 150 members who have been active in the Nelson Tasman region for several years focussed on three goals:

- 1) Rapidly reducing our regions' greenhouse gas emissions
- 2) Adapting to the likely adverse effects of climate change
- 3) Responding to climate change in a way that recognises the rights of all living organisms and provides for a just, equitable and resilient society.

NTCF members bring a breadth and depth of expertise and experience from across all sectors of society, including scientific research and practice, social science, the health sector, monitoring and evaluation, education, environmental management, community engagement, communications and more. We have a deep understanding of the twin, interlinked crises of climate change and biodiversity loss that result from past and ongoing degradation of the natural environment.

We work in our local communities to educate and empower them to take positive action on climate change, for example through the innovative behaviour change programme, Take The Jump. We get our hands dirty in planting programmes on public and private land, we trap pests and predators, we provide services such as The Repair Café to reduce waste and teach resilience, and provide resources for schools, businesses and families to help the broader community to think globally and act locally. We work closely with our two local Councils (Nelson City Council and Tasman District Council) to support their mahi in protecting, restoring and enhancing the natural environment we are privileged to call home.

Why do we do this? Because we understand that as people, we are but one species on this planet and like all species, we are wholly and utterly dependent on the natural environment for our very existence. We cannot survive without the life support provided by a healthy, flourishing environment. We need clean water, clean air, nutritious food, functioning ecosystems and a stable climate in order to live. If we degrade our environment to the point where it cannot provide us with these essentials, then no amount of infrastructure or development will save us.

Our concerns in summary

For the reasons outlined below, we strongly oppose the Fast-track Approvals Bill. We believe the Bill in its current form is extremely dangerous for our natural environment, for the unique biodiversity of Aotearoa New Zealand, for social cohesion in our society, for our International reputation and for our democracy.

The Bill has the potential to be very damaging economically and to result in the country failing to uphold international agreements to which we are signatories, damaging our global reputation as an innovative and environmentally conscious nation.

Among those international agreements is the agreement to limit greenhouse gas emissions to prevent dangerous global warming. In December 2023, the current government reiterated New Zealand's commitment to reduce net long lived greenhouse gas emissions by 50 per cent below gross 2005 levels by 2030 and to reach net zero by 2050 (COP 28 National Statement for New Zealand, Hon. Simon Watts). This Bill has the potential to jeopardise this commitment, and consequently to jeopardise our environment and our quality of life.

We recognise the need for industry to operate effectively and sustainably in New Zealand, with the concomitant requirement for a strong resource management framework that enables and regulates such operations. When introduced in 1991, the Resource Management Act was considered ground-breaking legislation, invoking an evidence-based approach to decision-making. We acknowledge that this legislation has several short-comings and that reform is required, given the changes in the operating environment over the past 30+ years.

However, we do not accept that there is any need to fast track infrastructure and development projects without any public scrutiny or consultation; with decision making concentrated in the hands of three Ministers of the Crown; with a framework that can override the protections enshrined in other legislation and ignore rulings from the judicial system.

We urge you to withdraw the Bill and to replace it with legislation that:

- honours Te Tiriti O Waitangi;
- employs apolitical, evidence-based decision-making processes;
- allows for public scrutiny and consultation for each project under assessment;
- operates in conjunction with existing legislation and court judgements that protect the environment and cultural assets;
- empowers expert panels to make the final decision to grant or withhold approval for each project, with the proviso that these panels are made up of appropriate, nonpartisan experts and are given sufficient time and resources to make a comprehensive assessment of the worth of each project.

This submission is under 4 headings

- A. Biodiversity loss and environmental degradation
- B. Reducing social cohesion
- C. International reputation
- D. Eroding democracy

A. Biodiversity loss and environmental degradation

Importance of biodiversity and natural ecosystems

The Convention on Biological Diversity 1992 defines biodiversity as ‘the variability among living organisms from all sources, inter alia, terrestrial, marine and aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and ecosystems’. As a signatory to this international convention, Aotearoa New Zealand is obliged to conserve the unique and priceless biodiversity present across this country.

The biodiversity and ecosystems spread across the islands and oceans that make up Aotearoa New Zealand are not only unique, priceless and irreplaceable, but are also critical to the identity of the human society that calls these islands home. We revel in our international reputation as “kiwis”, we embrace the silver fern as the emblem of our sporting prowess, we fight in the international courts for the right to trademark “mānuka”, we proudly fly the koru through international skies.

We rely on indigenous ecosystems to provide us with clean, fresh water; clean air; kai and kai moana; healthy soils; flood protection; a stable climate; electricity; recreation opportunities; cultural and spiritual benefits; economic returns through tourism and other ventures; and a host of other ecosystem services.

These ecosystem services that we rely on for our survival can only be provided by healthy ecosystems in balance with one another. Maintaining ecosystem health requires us to live

sustainably, to conduct business and to operate industries sustainably. Unsustainable development that overloads the capacity of ecosystems can cause catastrophic failures. We are already seeing this as increasing global temperatures increase the energy in weather systems that create extreme weather events such as Cyclone Gabrielle. The potential direct and indirect economic cost of such events over coming decades is likely to be hundreds of billions of dollars, in itself an unsustainable cost for a small nation like ours.

Threats to biodiversity and natural ecosystems

Despite our international obligations to commit to protecting the unique biodiversity and ecosystems of our nation, we continue to allow their degradation.

One of the greatest threats to our unique terrestrial biodiversity is the conversion of land dominated by indigenous vegetation to land dominated by exotic species or by built infrastructure. Although much land clearing is historic, it still continues. Between 2012 and 2018, New Zealand lost the equivalent of more than 12,000 rugby pitches of indigenous habitat (12,869 ha) to agriculture and urban development. This devastating ongoing loss of indigenous ecosystems is putting unsustainable pressures on much of our biodiversity, with large numbers of indigenous species now at risk of extinction. Indeed, whole ecosystems have been so reduced in extent as to be critically endangered, for example wetland systems, lowland forests and coastal forests.

Not only does land clearing threaten biodiversity and ecosystem health, but unsustainable development on cleared land overwhelms the capacity of compromised ecosystems to mitigate degradation. For example, intensive animal agriculture across large areas of cleared land produces such high waste burdens that stressed ecosystems cannot process the waste. Soils cannot absorb and incorporate the waste at the rate at which it is produced. With nowhere else to go, the excess waste then contaminates and compromises wetlands, waterways and groundwater. If rates of waste discharge are too high for these ecosystems to process the inputs, the result is degraded water quality and potential threats to human health.

Any development or infrastructure project that involves clearing indigenous vegetation, draining wetlands, altering hydrological flow patterns through the landscape, or impacts indigenous ecosystems in any way, needs to be avoided as our landscape cannot absorb any more degradation.

Mining and Planetary boundaries

Our extraction and use of minerals and nitrogen and phosphorus fertilisers should be limited because they increase the stress on our [planetary boundaries](#).

To quote MfEs Executive Summary “Like other high-income nations that have been assessed, New Zealand exceeds its fair shares of the five planetary boundaries. The transgressions

apply for both consumption-based and production-based perspectives, based on the equality principle and translated per capita or per area, depending on the boundary. Other allocation principles and methods may yield different outcomes. Sustainable solutions exist to significantly reduce pressures on planetary boundaries. Reducing these pressures will also support regeneration of New Zealand's natural capital for long-term economic prosperity.”(from MfE's 2020 [*A safe operating space for New Zealand/Aotearoa: Translating the planetary boundaries framework*](#))

Mining for resources also poses a significant threat to both terrestrial and marine ecosystems. By its very nature, mining is destructive of landforms and associated biodiversity, can cause significant erosion, water pollution, air pollution, acid rock drainage and sink holes if underground tunnels collapse. The tailing dams of toxic waste are particularly hazardous as over time they leak and leach out the heavy metals. New Zealand already has experienced this at the abandoned Tui Mine on Mt Te Aroha where the leachate poisoned the town drinking supply.

Mining in marine environments has the potential to not only destroy fishing stocks and disrupt marine habitats and food chains for species we care about such as whales, dolphins and penguins, but also for the host of other, less charismatic species that populate our oceans and seas. The physical disruption inherent in mining large areas of the seabed are likely to detrimentally impact both the biotic and abiotic (physical and chemical) components of marine ecosystems, with unforeseen, adverse consequences likely.

Post-mining restoration can only do a patch-up job at best. Avoiding the degradation in the first instance is the only way to protect ecosystems and biodiversity, particularly deaf or “blind” frogs.

Environmental threats posed by the Fast-track Approvals Bill

The environmental policy the National Party took to the 2023 election aspires to safeguard New Zealand's unique natural environment, native biodiversity, waters and landscapes for future generations. Its Blueprint for a Better Environment talks about sustainable freshwater, protection of our oceans and marine life, enhancing biodiversity, and opportunities for outdoor recreation. National has said that with clear, cohesive rules that target better environmental outcomes, growth and prosperity can be achieved within environmental limits.

Unfortunately the Fast-track Approvals Bill represents a threat for these outcomes. Instead, it will prioritise infrastructure and development projects, with purported economic outcomes, over environmental protection. The Bill will potentially enable mining in marine

areas and across stewardship land, conservation parks, forest parks, local reserves and other places, with the associated destruction of ecosystems and biodiversity.

The Bill will also enable coal mining and oil and gas exploration despite global agreement that fossil fuels currently in the ground need to stay in the ground to limit global warming to least hazardous levels (1.5 degrees or below). Not only is coal itself a very intensive fossil fuel, the act of coal mining releases the extremely potent greenhouse gas methane into the atmosphere. This is a double climate whammy we do not need. Both coal and oil are predicted to become stranded assets as the world moves to renewable energy.

We are concerned that the Bill will allow projects to be referred to the fast-track process that include activities that are environmentally damaging. There are only very few cases where projects are specifically not eligible to enter the fast-track process for environmental reasons. One of the most concerning aspects is that *prohibited* RMA activities are specifically made eligible. These outright bans are for the most environmentally dangerous activities, and yet they are enabled by this Bill.

There is also no requirement to stop the referral of projects that would increase greenhouse gas emissions, contribute to extinctions, pollute freshwater, cause risk to human health, pollute water bodies covered by water conservation orders, or even breach international law on marine dumping. This is completely unacceptable.

Unfortunately, this piece of legislation aims to avoid or negate all the existing environmental protections we have established over several decades. The Ministers of Environment and Climate Change have no role in providing oversight or a veto on projects selected for the fast-track system. For a country with unique biodiversity already under stress and surrounded by oceans that are warming and increasing in acidity, this omission is extremely irresponsible. The powers of the Minister of Conservation have been limited and they will have no role deciding on marine or coastal projects.

Decision making processes for large development and infrastructure projects that ignore our total dependence on a healthy environment for our survival is reckless and dangerous, and threatens our long-term health and survival. By focussing solely on short-term economic gains, and ignoring long-term costs (economic, social, climate crisis and environmental), the Bill has the potential to not only exacerbate the degradation of this nation's unique biodiversity and ecosystems, but to also undermine the sustainability of these ecosystems and their capacity to support a healthy, thriving and flourishing human population.

Infinite growth is impossible on a finite planet

While globally the data indicates humans are currently consuming at least 70% beyond what nature can bear in the medium to long term, we continue to insist that any development is a

greater good, and an ever-expanding GDP in a finite world is achievable, despite a dearth of evidence that we can uncouple GDP growth from resource use.

The Fast-track Approvals Bill's expedited approval process for fish farms, marine consents, winter grazing operations, and intensive dairy farming developments, which are already causing enormous environmental impacts and disregard for the welfare of animals, will further compound the exploitation and suffering of animals and the destruction of indigenous biodiversity.

Models of steady state small localised economies are gaining ground and need to be systematically explored by any responsible government before the impacts of biodiversity loss and climate change become too extreme and economies around the world begin to crash.

This rampant ongoing conversion of New Zealand's environment to human ends is destroying the living healthy fabric of our country and the essence of its uniqueness.

Evidence-based decisions are essential

This Bill is deliberately designed to ensure that effective analysis of environmental costs and biodiversity loss are not taken into account when planning development projects. It is vital that when any projects are planned, those with an understanding of local conditions and issues, and those with the scientific and cultural and spiritual knowledge of the biodiversity loss implications of that development, are heard.

Time frame too short for robust ecological studies

The "six month" timeframe for decisions is realistically only 40 working days. This is too short to undertake robust on-site ecological assessments over the annual cycle for plants and animals in the area under study. With partial, incomplete information there can be no evidence-based decision making.

A key requirement of assessing impacts on biodiversity is to undertake [new ecological surveys](#) of the project site and surrounds. Such surveys identify the threatened species and ecosystems found on the site, catalogue where they are found and estimate their population numbers.

This information is then used to [determine](#) how those species and ecosystems could be affected, and whether the project could be modified to avoid or mitigate these impacts.

A precautionary approach must be taken when assessing the effects of disturbance on ecosystems and this should be based on the results of scientific research.

It's not always easy to define the maximum amount of harm an ecosystem can take. Feedback loops and tipping points make limits hard to determine and often, we only know once they've been passed. To avoid past mistakes, scientific experts must have a strong role in limit-setting and achieving what leading scientists have called a "[safe operating space](#)" for human society.

There are currently no directions in the Bill for the expert panel to commission new ecological surveys. However, even if panels could do this, the six-month timeframe is too short.

This Bill deliberately bypasses environmental law and local government planning. It also aims to cut communities and expertise out of the process of developing projects in the regions.

It is extremely chilling to see that activities *prohibited* by the RMA and local Government RM Plans can be granted approval under this Fast Track process. By allowing the most environmentally dangerous activities in sensitive locations this Government is ignoring Sec 5 of the RMA and burdening present and future generations with biodiversity loss, social harm and degraded water bodies. In addition it will be possible for consenting conditions to take precedence over National Policy Statements, and this will create uneven playing fields for applicants who previously played by the rules.

Trade offs and long-term damage

Changing the Conservation Act to enable exchanging conservation land for private land and money could result in short-term trade offs such as stoat control along a river when the construction of an access road and hydro dam cause long-term environmental degradation. The Bill also makes it possible for the Minister of Conservation to prioritise development over conservation even in areas of international significance. We have Ramsar protected areas in Nelson Tasman and definitely don't want these degraded.

B. Reducing social cohesion

When the next climate change disaster or pandemic sweeps through New Zealand we will need resilient communities with strong social cohesion to survive. This Bill undermines social cohesion in a number of significant ways.

Increasing distrust

Rushing through List or Referred projects without public involvement will result in businesses not having the social licence to be sustainable long term. Listed projects (100 or so) don't need to be of National or Regional significance and yet they will also be rushed through without those directly affected being consulted, and no way to challenge the activity. This is detrimental for social cohesion because it increases distrust and suspicion of

neighbours, officials and local governments who usually process the resource consents for activities in their regions.

Increasing climate anxiety

Social cohesion is especially important in these times of increasing stress from the changing climate (currently in Nelson & Tasman we have a drought, last year floods, and the Pigeon Valley fire five years ago). We need to increase community resilience and have people to respond for the common good. Surprising the public with activities that they won't know about until they see the bulldozers is extremely short sighted and will cause long-term harm for community resilience, environmental and climate stability. It creates legal risks and adversely affects future generations.

Despite assertions by at least one Minister that the current response to climate change is characterised by "hysteria", we hope that his call for "rigour and common sense" means that decisions will be based on the best possible evidence.

The Ministers may not want to take the Climate Change Response Act 2002 into consideration when making their decisions, but communities will want this. The Ipsos poll in Nov 2023 found 80% of people in NZ are worried about climate change. We can assume that these worried respondents do not want the Government promoting activities that increase carbon emissions, such as burning fossil fuel, mining coal, urban sprawl, ignoring agricultural emissions, building four lane highways and discouraging walking and cycling. When you undermine the progress made to encourage behaviour change towards a low-carbon economy, public trust is eroded while the risk of climate catastrophes increase. NZ has International commitments under the Paris Agreement and these must be met.

Increased secrecy

It is problematic that the list of the almost guaranteed projects has not been provided for the public to consider with this submission. If this fast-track legislation overturns decisions already made by legal RMA processes that involved community and expert advice it would harm the trust New Zealanders have in their democratic processes.

Corruption and bias

Corruption and bias are possible with any Government Minister, which is why bipartisan checks and balances are necessary. New Zealand's credibility and reliability with international trading partners are at risk when favours can be manipulated with so few checks and balances. In the bad old days the rural roads were only sealed around bridges, and alongside the councillors' properties, which caused an uproar. We will certainly lose our high ranking on Transparency International's annual rating for absence of corruption.

Commitment to Te Tiriti and Social and Environmental Costs

It is vital that Maori obligations to "kaitiakitanga" (guardianship or stewardship) of the land

are acknowledged in the Bill and by ministers. While there is an overarching clause in the Fast-track Approvals Bill for the need to uphold Treaty settlements and Takutai Moana interests, there is no reference to broader Māori rights and interests.

Treaty and Māori rights and interests are multi-faceted, and under the Treaty of Waitangi, both the developmental and environmental protection aspects of these interests need to be considered and provided for.

A key failure of the Bill is that it does not include a reference to Te Tiriti o Waitangi or its principles, and no cultural impact assessments are required.

The lack of a Treaty clause is likely to be seen as significant for Māori, and creates uncertainty as to how Ministers will apply the Treaty under this Act. A Treaty clause is also likely to have provided a greater level of comfort for Māori in terms of recognition and protection of broader rights and interests (outside of the Treaty settlements and Takutai Moana rights), including for unsettled groups.

This Bill therefore gives Ministers the ability to approve consents for a project which could be inconsistent with existing Tiriti Settlements and Te Tiriti in total. And if Ministers do not have the requisite knowledge to engage with the principles of Te Tiriti (which includes Te Ao Māori and tikanga Māori), then they cannot appropriately 'give effect' to it.

Additionally the limited nature of engagement on the policy proposals is insufficient to meet settlement commitments, given the likely significance of many of the project proposals.

Reducing public input in our Conservation estate

Conservation land is owned by the public and applications such as easements, licences and concessions to use this land should continue to be publicly notified. Our region has important National Parks (Abel Tasman, Nelson Lakes, Kahurangi) and the public, neighbours and other users won't want unannounced activities and concessions in these Parks. This opens up the possibility of actions to sabotage new activities.

Introducing short-term development legislation

Sustainable long-term development in NZ requires bipartisan agreement between the different political parties in central governments and also cooperation with local governments through the Long-Term Plans that they are required to consult on with the public before they can spend ratepayers' money.

C. New Zealand's international reputation

New Zealand has, up till now, enjoyed a worldwide reputation as a clean, green country. This reputation, or what remains of it, now risks being lost with the implementation of the Fast-track Bill.

New Zealand's economy relies on the environment in many ways. One study [estimated](#) New Zealand's land-based ecosystem services contributed NZ\$57 billion to human welfare in 2012 (27% of the country's GDP). This includes services such as [crop pollination by insects](#), erosion control by plants and flood regulation by wetlands.

Export markets affected

This rush to develop projects that wouldn't pass the environmental safeguards under existing resource management laws will have unintended consequences. Many of our export markets in the UK and EU have agreements that require the environmental standards to remain. Some require New Zealand to contribute to (and prove) emission reduction under scope 3. Damaging these trade agreements and our international reputation will have lasting effects.

The unbridled power of three ministers will raise the suspicion of corruption, and create problems for potential markets/exports. There is no mention of method for Ministers to handle conflicts of interest.

Economic consequences of perceptions of corruption

Vesting consenting authority in three ministers, with no right of appeal, is a textbook example of a process that is open to corruption.

An article by political analyst Bryce Edwards (Democracy Project, Substack, 8 March 2024) states that these proposed "new consenting rules will incentivise increased political donations and lobbying to grease the wheels of the new Beehive consenting mechanisms. Critics say that vested interests will, like never before, have every reason to find ways to influence whoever is in the Beehive. This is because the absolute power to give development consents will lie with just three ministers – those responsible for Regional Development, Infrastructure, and Transport, currently Shane Jones, Chris Bishop, and Simeon Brown."

Edwards quotes National Party pollster David Farrar saying that a "legitimate concern is the potential for corruption" flowing from the new rules, and he worries that there are no safeguards to prevent bribery being used by the wealthy to get consents from whichever politicians are in charge of the Beehive.

He also quotes Thomas Coughlan (NZ Herald): "Ministers will now have the ability to effectively consent proposals themselves" and they will have the power to "override the already rather weak panels" if they make recommendations that ministers don't agree with. Coughlan says the politicisation of the consents process takes New Zealand into new

territory: “By allowing political sign-off of consents, the Government may have opened the door to political cancellation of those consents. While New Zealand’s consenting process is flawed, the regime kept it out of the hands of politicians. Both sides seem concerned that altering this could see consent by courtroom replaced by consent by election.”

Donations to the National, New Zealand First and ACT parties in this electoral cycle have come from companies and persons in the extractive sectors most likely to benefit from this proposed fast-track consenting process - fisheries, forestry and mining. The perception of corruption is already manifest in the reasonable expectation that these donors will be seeking a return on their political “investment”.

However, Coughlan points out that “businesses that take advantage of the Fast-track processes might find new political scrutiny when there is a change of government, and “this could include the loss of a consent without compensation.”

The authoritative Corruption Perception Index (CPI) produced annually by the respected NGO Transparency International tracks perceptions of bribery, diversion of public funds, use of public office for private gain, nepotism in the civil service and state capture, many of which are relevant to this Fast-Track Approval Bill.

In 2022, NZ was ranked No 2 in the world for freedom from perceptions of corruption. This high CPI ranking will be lost if this Bill becomes law, as the prospects of bribery, state capture and use of public office for private gain will all become reasonable perceptions by a neutral, informed observer. Perceptions are all.

This will result in poorer economic outcomes – and a higher cost of credit – for the country as a whole, that will greatly outweigh the short-term economic boost that some businesses and individuals will receive from these projects (assuming that future governments permit them to proceed).

Sychowiec et al. (*Business and Politics* (2021), 23, 364–382) state that “during the last few decades, international organisations, policy makers, and experts have expressed an increased concern about the negative economic effect of corruption. While early studies seem to indicate that corruption may help business navigate red tape and thereby improve economic performance, the balance of evidence to date suggests that the negative economic consequences outweigh any potential benefits. Corruption reduces government revenue from taxable sources, increases government expenditures by reducing the productivity of government spending, decreases the rate of growth, and increases public deficits and public debt. International credit rating agencies, such as Standard & Poor’s and Moody’s, have also been sensitive to the fact that “institutions matter” for economic performance, and some agencies even incorporate widely used cross-country comparative

measures of corruption in their sovereign credit rating indices. Studies suggest that corrupt countries receive lower credit ratings, which increases the cost of borrowing”.

In summary, New Zealand as a whole will suffer from the perceptions of corruption that this Fast Track Approvals bill will cause. It will result in a downgrade in New Zealand’s ranking in TI’s Corruptions Perception Index, doing immeasurable harm to the country’s image as a good place to do business. This in turn will have long-term negative economic consequences for the country that will far outweigh the private benefits that will accrue to the favoured economic actors who will directly benefit from the new law.

D. Eroding democracy

The unbridled power given to the three Ministers in the Bill is deeply undemocratic and does not reflect the proposal in the Coalition Agreement, which stated that Ministers would have the ability to *refer* suitable projects for consideration. The Bill, as it is currently written, has the Ministers influencing every step of the process, from referral, determining the composition of the Expert Advisory Panels, to making the final decision. Without provision for independent testing of Ministerial or expert panel decisions, there is significant potential for the government to make flawed decisions. We are concerned that the three Ministers with the greatest powers in the Bill are the Ministers for Infrastructure, Transport and Regional Development, all of whom are likely to consider the economic aspects of any project as paramount, regardless of the environmental and social impacts of the project. This structure runs the risk of flawed development and infrastructure projects being approved despite legitimate concerns being raised by other Ministers, MPs or outside parties with appropriate knowledge and expertise.

Unintended consequences

We foresee many unintended consequences and long-term damage done by avoiding evidence-based decision making (which was in the coalition agreement). This lack of scrutiny risks creating contaminated sites which poison the environment and future generations. Another example is the probability of new infrastructure and housing in places where sea level rise, river flooding or dam bursts will damage livelihoods and communities, and prevent nature-based solutions to sea level rise. Litigation against the Ministers is also possible by the limited organisations who have the right to appeal on points of law .

Democratic Values

We have the privilege of living in what is currently one of the world’s most robust democracies, where the rule of law is upheld and deeply respected. For many, democracy is best illustrated by the opportunity to vote in free and fair elections on a regular basis, and for the results of those elections to be upheld by the institutions of the land.

The election process provides the opportunity for electors to select their government. Those elected to Parliament are elected to GOVERN. There is a chasm of difference between governing for ALL the people, for the best interests of the country in the short, medium and long term, and urgently completing the list from the Coalition Agreement. That is not democratic government.

A second key component of our democracy is the right of all to engage with the political decision-making process and provide input to the development and outworkings of legislation brought before the Parliament. This allows the general public to scrutinise and contribute to the developing legislation. Allowing for this robust interaction between the elected and the electors is a cornerstone of the democratic freedoms we uphold in Aotearoa New Zealand.

Listed projects kept secret

It is deeply concerning that the list of projects to be initially fast tracked is not included in the Bill. This is a breach of the rights and obligations of an elected minister to their electorates—they have a right to know what is likely to be unilaterally implemented by Ministers and the likely known impacts to those communities and the environment. There is no mandate to do this.

The listed projects can automatically proceed to consideration by an expert panel, without the need for a statutory assessment as to whether the project is appropriate for fast-tracking in the first place. These listed projects will proceed to panel consideration even if they would otherwise have been ineligible for fast track.

Despite widespread understanding that potentially 100 or more projects are currently being considered for inclusion in Schedule 2A, there is no possibility of public consultation on these projects and their suitability for fast tracking. Nor is there any possibility of scrutiny of these projects by the Select Committee. This is a significant erosion of the democratic processes we uphold, which are to allow both Select Committee and public scrutiny of legislation of significance. And the fast tracking of development and infrastructure projects is of considerable significance due to the potential implications and impacts of these projects.

Lack of public agency

We are also deeply concerned that the expert panels, under Schedule 4.20 “must not give public or limited notification of a consent application or notice of requirement”. Nor are they required to invite comment from the public or from relevant local groups. Thus, locals will potentially be excluded from the assessment process of development and infrastructure projects that will have significant impacts on their local environment and area. This is undemocratic and completely unacceptable.

The people of Aotearoa New Zealand who elect governments care deeply about the unique landscapes, biodiversity and marine environments that make up this nation. They are also extremely concerned about the ramifications of climate change on our current and future way of life. Ministers who stifle and trample on these concerns will leave a most unfortunate legacy and may not last.