



Submission on the Fast-track Approvals Amendment Bill

13 November 2025

To Environment Select Committee

Submitter details

This submission is from the Parliamentary Commissioner for the Environment, Simon Upton.

I wish to appear before the Environment Select Committee to present my submission.

My contact details are:

Phone: 04 495 8350

Email: pce@pce.parliament.nz

Parliamentary Commissioner for the Environment

The Parliamentary Commissioner for the Environment was established under the Environment Act 1986. As an independent Officer of Parliament, the Commissioner has broad powers to investigate environmental concerns and is wholly independent of the government of the day. The current Parliamentary Commissioner for the Environment is Simon Upton.

Introduction

In my submissions to this committee on the Fast-track Approvals Bill, I issued a number of warnings about the regime that was initially proposed. I warned that by all but excluding public participation, and handing final decision-making authority to Ministers, the Act would politicise and thereby delegitimise the decision-making process.

The most significant change that the Government agreed to, in light of submissions to the select committee, was to leave the determination of approvals with an expert panel appointed to examine the application, consider expert evidence and – if it was of a mind to – grant approvals, and impose appropriate conditions. While the Act limited those who could as of right provide comment on applications, it left panels with a large measure of discretion to seek additional information, should they deem it necessary.

The acid test of the workability of the Act once passed was always going to be its ability to support panels of a high quality. In that, it has succeeded. Since the Act came into force, I have had contact with the EPA, convenors, and panels, and have found those interactions to be

professional and positive. Panel convenors have, to date, had discretion as to the timeframe within which panels are appointed. This has allowed a process to be developed by convenors, as set out in the panel convenors' guidance, where the procedural requirements of an application can be conferenced and agreed with relevant parties.¹ Given the statutory pace, which is prescribed for the ensuing panel processes, this tactical pause at the outset has been beneficial in creating the conditions for robust panel decision-making to follow.

I had reached the view that if the fast-track process continued to be executed in the way that it had been initiated, it was one that could win broad acknowledgement as a credible process, delivering sound decision-making. But it always depended on highly qualified, experienced practitioners who participated on the basis that they were there to exercise searching judgment. This Bill seeks to constrain their judgement, and in doing so, may place the empanelment of qualified and experienced practitioners at risk.

I do not comment on the proposed changes specifically aimed at the grocery sector, whose inclusion in the fast-track regime is not problematic. It is the balance of the Bill that is alarming. The explanatory note to the Bill describes these changes as "specific technical and machinery changes ... aimed at improving system efficiency by reducing time frames, duplication, and unnecessary costs, improving clarity for applicants and other system users, addressing ambiguities or errors, and promoting consistency in the original drafting."

While the Bill contains many clauses that address ambiguities or errors, and seek to improve the workability of the Act, it advances other amendments under the guise of being technical or machinery matters that will in fact have significant impacts on the fast-track process and decision-making. They are matters that were robustly considered during the original select committee process. Their inclusion makes the Bill less about technical and machinery changes, and more an attempt to relitigate procedural and substantive aspects that were agreed and passed into law following comprehensive select committee scrutiny.

The effect of the Bill will almost certainly undermine the legitimacy of the fast-track process and the robustness of its decisions, because it seeks to:

- make the approval of applications almost inevitable, by providing the Minister with a mechanism to insert tailor-made government policy statements to which weight must be given by panels;
- exert further ministerial control by enabling the Minister to direct the EPA on the performance of its functions and duties, and the exercise of its powers;
- further speed up a process that already makes heroic claims on the ability of parties to assemble material to the point that proper scrutiny cannot be reliably undertaken;
- limit the time available to panel convenors to appoint panels, which may negatively impact on the expertise that can be assembled and the quality of their decisions; and
- limit any public or community input, further limiting the information panels will have available for proper scrutiny.

¹ Fast-track Approvals Act 2024: Panel Convenors' Practice and Procedure Guidance, 22 July 2025.

I deal with each point in turn below.

Government direction

The EPA is a Crown agent and its operations are governed by its own legislation and the Crown Entities Act. The purpose of the latter “...is to provide a consistent framework for the establishment, governance, and operation of Crown entities and to clarify accountability relationships between Crown entities, their board members, their responsible Ministers on behalf of the Crown, and the House of Representatives”.² The Committee should consider asking the Minister to explain the rationale for including bespoke processes, which confer extraordinary powers on the Minister to issue directions and government policy statements, outside of the Crown entities framework.

Government policy statements

The current Act’s purpose, which prevails over all other criteria, is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. Unsurprisingly, participants who have commented on applications under the Act have assumed that benefits are an ‘on balance’ concept. Where public resources and environmental effects are in play, it is reasonable to assume that any benefits claimed for a development will be on the positive side of the ledger – that benefits will outweigh the costs. Cost-benefit analysis is a well understood tool for enabling the nature of trade-offs to be understood. It is a question of assembling the best possible information to inform any decision.

The proposed new section 10A would allow the Minister to issue government policy statements to “state the Government’s policies about the regional or national benefits of certain types of infrastructure or development projects”. Such statements would need to be considered when the Minister makes a decision to accept or decline a referral application. The effect is to empower the Minister to set whatever criteria they like to govern their own decisions on referral applications.

The policy statements must also be considered by a panel, when deciding the substantive application, impacting on the independence and objective assessment of the appointed expert decision-makers. Not only will panels have to give priority weighting to the delivery of projects; they will now also have to consider whatever claims a government may wish to make about the benefits of particular activities. Government policy statements on benefits, combined with the amended heading of Schedule 2,³ make it clear that the intention is to instruct panels as to how the phrase ‘significant regional or national benefits’ is to be interpreted. This may exclude panels from a robust examination of the costs and benefits of applications.

The amendments the Bill proposes take us back to an earlier era in New Zealand’s economic management. Under the Economic Stabilisation Act 1948, the Government could, by regulation, intervene in every corner of economic life without public scrutiny. Any intervention believed by a government to contribute to economic stability could, by

² Crown Entities Act 2004, s 3.

³ “Listed projects” is amended to “Listed projects with significant regional or national benefits”.

fiat, be imposed. In a different, but analogous way, this Bill would allow the Executive to impose its view of regional or national benefits, regardless of the views of the public (who are often the ultimate owners of the resources at stake) and regardless of standard cost-benefit analysis. It takes us back to a world in which Ministers decree what is or isn't good for communities. In short, the Bill would provide the Executive with a way to ensure that its view of regional or national benefit prevails.

This represents a significant expansion in Executive power when it comes to dealing with public resources and environmental impacts. If anyone should be defining 'regional or national benefits' for panels, it should be Parliament, not the Executive.

Clause 5 does not prescribe how government policy statements will be developed. But they will almost certainly be the object of lobbying by applicants who want an assurance that approval will be guaranteed. There will be little or no incentive for applicants to ensure that the economic case they provide is rigorous, or accurately identifies uncertainties, if the Government has the power to decree in advance what the benefits of certain types of activities will be.

The bland and open-ended nature of proposed 'government policy statements' does not prevent them from being remarkably specific. A government could decide that mining in places like the Coromandel or Aotea/Great Barrier are, as a matter of government policy, of regional benefit. Once defined as beneficial by way of government fiat, panels would be required to give weight to those directions in the context of the Act's purpose.

The Bill seeks to remove the ability of panels to question the benefits of proposals. They will be left with examining the costs of proposals that have already been declared winners. This is an approach to economic and environmental management that we have not seen in four decades.

A determination that a project will deliver benefits must be informed by the costs that it will likely incur. With the environment and public owned resources at stake, robust cost-benefit analysis should be mandatory. Rather than trying to pre-ordain benefits to cut economic analysis off at the pass, the Government would be better to prescribe an approach to cost-benefit analysis that can win the support of the House as a whole. Everyone accepts that where environmental assets are in play, difficult trade-offs will present themselves. Providing panels with a way to navigate these debates rather than trying to seal them in advance would be the responsible course. It is also more likely to secure legitimacy in the eyes of the public who own the resources whose exploitation is being determined.

A heavily redacted briefing paper from the Ministry refers to options in response to the draft decision of the expert panels in the Delmore Housing Development Project.⁴ The panel in that case found that the project's costs outweighed its benefits. The detail of the Ministry's options is redacted. The Committee might like to ask for the Ministry's redacted advice because it

⁴ Ministry for the Environment *Briefing: Advice on additional amendments for inclusion in the FTAA Amendment Bill*, BRF-6770, 11 September 2025, para 3 and Appendix 1 (redacted).

might shed light on the rationale for this Bill. Perhaps it was this experience that led officials to advise the Government to pre-empt debate about benefits by way of policy statements?

Whatever the motivation, if the intention is to so constrain panel consideration that approval is the only outcome for projects accepted into the fast-track process, the Government would be better served by dispensing with the pretence of panel scrutiny and use empowering legislation instead. As I noted in my submission on the original Bill, there is precedent for this in the case of the Clyde Dam.

Ministerial influence

As if the dice were not sufficiently loaded in favour of approval, clause 48 of the Bill enables the Minister to give general directions to the EPA on the performance of its functions and duties, and exercise of its powers. The rationale offered by the policy documentation states that the responsible Minister has no mechanism to issue expectations for the EPA, creating a gap in accountability, and limits the Minister's ability to influence the EPA's performance, priorities or approach to administering the fast-track system.⁵

However, the Government could simply rely on the existing provisions of the Crown Entities Act. That Act provides for a statement of performance expectations to be set and for the Minister to participate in the process.⁶ It even contemplates situations where a Minister, other than the responsible Minister,⁷ might present the statement of performance expectations.⁸ This reflects the sensible reality that any Minister of the Crown can act for any other Minister.⁹

The departmental disclosure statement discusses the basis for clause 48, and attempts to justify its inclusion, with reference to section 88 of the Climate Change Response Act 2002 (CCRA).¹⁰ This fails to explain the key differences. Section 88 only permits the Minister to make directions regarding how the EPA administers the 'participant provisions' of the CCRA.¹¹ Those provisions are extremely prescriptive about what has to be done and when, leaving little discretion for how the EPA conducts its functions. The matters the EPA has discretion over, such as the design of forms and the register, and the fees that are charged, amount to administrative matters, which, if directed by the Minister, would result in no substantive impact on an outcome. The Minister's power to issue directions under the CCRA is materially different to what is proposed by clause 48. This clause would have substantive effect for decisions that are made by the Minister and panels, and may ultimately change the outcome for the approvals sought.

In a briefing to the Minister, it is noted that the Act does not provide the Minister for Infrastructure with a power to set expectations for how panel convenors give effect to

⁵ Ministry for the Environment, *Briefing: Technical and machinery amendments to the Fast-track Approvals Act 2024*, BRF-6601, 7 August 2025, Appendix 1, p.8.

⁶ Crown Entities Act 2004, ss149B-149M.

⁷ For the EPA, this is the Minister for the Environment.

⁸ As above, see s 149L.

⁹ Constitution Act 1986, s 7.

¹⁰ Department Disclosure Statement: Fast-track Approvals Amendment Bill, 23 October 2025, para 4.9.

¹¹ 'Participant provisions' are set out in subpart 1, Part 4 of the Climate Change Response Act 2002.

procedural requirements.¹² While the proposed Minister's directions may not extend to particular applications, they provide a further basis for telling the administering agency, panel convenors and panels how to do their jobs.

Officials rightly identified that setting expectations for the panel convenor has implications for the independence and impartiality of convenors, and consequently for the shape of decision-making under the regime as a whole. Yet, officials note they are working on potential alternative mechanisms to enable the Minister to impose expectations. This change inevitably raises concern that an avenue for political influence over the independent functions of panel convenors is being created.

The rationale offered for clause 48 does not hold water. The Committee should seek further legal advice on the extent to which ministerial directions to the EPA will be able to influence the independent functions of panel convenors.

Further speeding up of the approvals process

The following amendments, which aim to shorten the panel appointment and decision-making process, would adversely affect the proper consideration of procedural requirements and information which support durable decision-making by panels:

- Clause 29 – imposing a deadline of 15 working days for panel convenors to set up a panel.
- Clause 44 – the time frame for a panel's decision, as set by the convenor, cannot exceed 60 working days after comments are received, unless agreed to in writing by the applicant.

It is entirely reasonable to rely on the expertise of a convenor, with knowledge of a substantive application, and having regard to the purpose of the Act, to set an appropriate timeframe that accounts for the complexity of a project or the potential significance of its costs and effects. Shortening the time available to set up the panel will curtail the convenor's ability to find panel members with relevant expertise to be able to critically assess the information required to make a robust decision on the proposal.

If panels are to make good decisions, they need to have access to independent information that can verify or critique the information provided by the applicant and any others providing evidence. This may require commissioning expert reports, such as an independent economic assessment,¹³ or an EPA report on environmental effects,¹⁴ and the appointment of specialist or technical advisors.¹⁵ Shortening the overall process will limit the ability of panels to source that information, restricting their ability to make well-informed and defensible decisions.

According to information provided by the EPA, convenors have taken an average of 28 working days to appoint panels. For particularly complex applications, convenors took over

¹² Ministry for the Environment, *Briefing: Technical and machinery amendments to the Fast-track Approvals Act 2024*, BRF-6601, 7 August 2025, Appendix 1, p.12.

¹³ See the Delmore residential development, an application that was withdrawn by the applicant on 11 September 2025.

¹⁴ See the Taranaki VTM project, s 51 report from the EPA EEZ team.

¹⁵ See Sunfield, which appointed an economist, an urban designer, a decision drafter, and a traffic engineer condition writer. See also Taranaki VTM, which appointed legal counsel and a decision writer.

50 working days.¹⁶ The time taken by convenors at this initial stage is time well spent on early conferencing and engagement, to understand key issues that will require specific expertise and to ensure expert availability for appointment to panels. No policy rationale has been offered to explain the justification for imposing a time constraint of 15 working days on panel convenors, and why the convenors' exercise of discretion with timeframes at this important step has been unreasonable.

The Act originally sought to address concerns regarding cost and delay. This was based on analysis provided by the Infrastructure Commission.¹⁷ But the policy documentation for the Bill does not identify how the amendments will contribute to further reducing the costs of consenting. As for delay, the explanatory note states that the amendments will reduce timeframes by over 6 weeks across the referral and substantive processes. Many fast-track projects involve significant impacts, are complex, and sometimes novel. Approval will result in a consent term of up to 35 years. The Bill proposes to risk serious scrutiny of projects, whose impacts will endure for **generations**, for the sake of winning six weeks' advantage in processing times.

Informed decisions require high-quality information and a clear understanding of the costs as well as the benefits of proposed activities. Gathering that information and understanding takes time. It needn't be a long time, but it does need sufficient time – as the old saying goes “haste makes waste”. The challenges of prescribing a hard time frame of 60 days for the panel's determination of approvals for highly complex applications is acknowledged in the advice provided by officials.¹⁸

While the Bill provides for a decision timeframe to exceed 60 working days, this requires the agreement of the applicant.¹⁹ However, applicants have tended to suggest far shorter timeframes for panel decisions, and cannot be relied on to provide an objective view on the time that is appropriate for properly informed decision-making. Taranaki VTM, a large and highly complex application, has a decision timeframe set by the convenor of 100 working days despite the applicant initially nominating just 46 working days.²⁰ If the time limit for decisions is to remain in the Bill, the discretion for an extension to the upper limit of 60 working days should remain with panel convenors, who are independent of the interests of the applicant.

Further limiting public input

As already noted, decisions made by a panel will only be as good as the information available to it. While the applicant, local authorities, and relevant administering agencies are important providers of information, other sources of key information for decision making include local residents and community groups, special interest organisations, and industry bodies. Special interest organisations, such as environmental NGOs, undertake targeted

¹⁶ Stella Passage Development and Taranaki VTM.

¹⁷ Sapere (Moore et al.), 2021, *The cost of consenting infrastructure projects in New Zealand*, Report prepared for The New Zealand Infrastructure Commission Te Waihangā.

¹⁸ Ministry for the Environment *Briefing: Technical and machinery amendments to the Fast-track Approvals Act 2024*, BRF-6601, 7 August 2025, Appendix 1, p.11.

¹⁹ Fast-track Approvals Amendment Bill, clause 44.

²⁰ Minute of the Panel Convener, Post-conference directions – Taranaki VTM Project [FTAA-2504-1048], 17 July 2025, at [8].

research into specific environmental matters and case studies in sensitive locations (e.g. Mackenzie Basin, Marlborough Sounds, Bay of Islands) and contribute to policy development and implementation at all levels across the country. Additionally, industry bodies, residents and community groups have knowledge about the way people and animals use or interact with specific environments.

This information has the potential to be overlooked or omitted entirely if panels are encouraged to rely solely on local authorities and government departments, given their well-documented capability and capacity constraints. For projects that have been considered by panels so far, environmental organisations, such as the Environmental Defence Society and the Royal Forest and Bird Protection Society of New Zealand, industry bodies, such as Seafood NZ, fishing and boating organisations, and residents' and community groups have added information.²¹ That information has supported panel evaluation of the veracity of claims made by applicants and their experts. Section 53(3) provides a panel with the necessary discretion to invite comment from any other persons it considers appropriate to ensure robust consideration of information. This has been exercised by panels in a seemingly reasonable manner. No policy justification has been offered to explain why it is necessary to limit the ability of panels to exercise their discretion to invite comment.

To limit this, in the way that the amendments in clause 33 proposes, will place the panel in the difficult position of assessing the uncertainty of information that it doesn't have access to. It assumes that a panel will always be on notice that there is a particular matter on which it requires further information.²²

I note that even in times of extreme emergency there has been provision for public participation in decision-making processes, acknowledging the importance of, and public interest in, the impact for resource management decisions.²³ The purpose of the Act involves no such emergency and fast-track cannot justify the exclusion of public participation as contemplated by these amendments. The Bill removes any remaining ambiguity that the Government is intent on overturning a four decades long acceptance that communities should have a say on major proposals that affect the places they live in.

By reducing the discretion for panels to invite comments from other parties, the Bill leaves local authorities as the sole certain conduit for information on behalf of the community to be presented to panels. This will place unwelcome pressure on council officers and elected representatives, pressure that will be all the more acute given the truncated timeframes proposed by the Bill.

The Bill also provides applicants with a mechanism to modify their substantive applications by giving notice to the panel.²⁴ The panel can submit a modification request to the Minister, who can then determine whether the project can proceed in its modified form, provided the

²¹ Other than owners and occupiers of land to which the substantive application relates and owners and occupiers of adjacent land, as panels must invite comments from these parties pursuant to s 53(h) and (i) of the Act.

²² I note that by applying a generous interpretation of 'a particular matter', a panel could rely on clause 33(4) as a default, to achieve the same broad outcome as currently set out in section 53(3).

²³ See s 9 of the Hurunui/Kaikōura Earthquakes Recovery Act 2016.

²⁴ See cl 42.

Minister considers it has significant regional or national benefits. If the modification is accepted by the Minister, only parties invited to make written comments on the application will be notified of the project's modified form further limiting opportunities for public participation. I recommend that where the modification sought by the applicant proposes a material change to the application, further comments should be invited from participants.

Effect of amendments for current applications

There appear to be no transitional provisions in the Bill, which means there is no clear statement of when these amendments are to take effect, despite officials noting that such provisions should be worked through.²⁵

It may well be the intention that the changes are to apply in real time, so that the amended timeframes apply to applications that are currently under consideration by panels. It may also be intended that any government policy statement regarding regional or national benefits, or Ministerial directions to the EPA (convenors and panels) that are issued, would have immediate effect and apply to all live applications. The effect would be to change the rules of the game at half-time.

If this is the intention, the explanatory note to the Bill (and the non-existent RIS), should be transparent about this and the Committee should also be provided with the rationale for this decision.

Appeal rights

The Bill seeks to further limit appeal rights. This is set out in clause 50, amending section 99, so that only those parties that **must** be invited to comment would have standing to appeal. Even when the panel retains a discretion to invite comment, those that are so invited would be excluded from appealing. The Act already limits appeal rights to points of law, and to those persons listed in section 99(1). The policy documentation provides no reasons for this legislative response. Curtailing access to justice in such a severe way is not justified by the explanatory note, which pretends that this change falls under the heading of “technical and machinery changes”. Since when was access to appeal rights a “technical and machinery” matter?

Again, with reference to the explanatory note, it is impossible to comprehend how changes to appeal rights can be considered to be ‘aimed at improving system efficiency by reducing time frames, duplication, and consistency in the original drafting’. No applications have yet been the subject of an appeal, and in the absence of any other policy justification, there is no evidence to support the removal of appeal rights.

Truncating timelines, limiting the provision of information, and constraining the ability to test the robustness of that information will lead to decisions based on inadequate information and without full knowledge of the facts. This is of significant concern for projects that have previously been declined on environmental grounds or would be considered prohibited

²⁵ Ministry for the Environment, Briefing: Advice on additional amendments for inclusion in the FTAA Amendment Bill, BRF-6770, 11 September 2025, para 7.

activities due to environmental concerns. Allocation of public resources, with potentially harmful environmental and health consequences, needs to be undertaken by a process which values information and respects public participation. To do otherwise recklessly risks irreversible harm. The amendments outlined not only fail to set a panel up for credible decision-making but, in removing appeal rights, greatly expand the likely use of judicial review which will become the only avenue to seek justice.

Abuse of legislative process

The way this Bill has been presented, and the paucity of accompanying information, makes it challenging for the Committee to scrutinise it properly.

Regulatory requirements

There are no regulatory impact statements available to assess the impact of the proposed amendments. The departmental disclosure statement notes that the Ministry for Regulation granted an exemption from the requirement to provide a RIS, “on the grounds that the economic, social, or environmental impacts are limited and easy to assess.”²⁶

Such a statement from the Ministry for Regulation is completely at odds with its role, described on its website as being ‘...focused on lifting quality across all regulatory systems, and supporting agencies with regulatory responsibilities to align with good practice’. Quite how changes to the assessment of the economic, social and environmental impacts of some of the most complex – and contentious – projects to be proposed in recent times can be regarded as ‘easy to assess’ is beyond comprehension. The amendments proposed by the Bill, as discussed above, are clearly intended to shortcut proper consideration of economic and environmental analysis, reduce access to information for decision-makers, and potentially expose communities to the risk of ill-understood environmental impacts.

It appears that rigorous regulatory assessment is optional depending on the cause. But dispensing with it is not without potential cost. Amendments such as those proposed in this Bill will likely threaten the social license of those projects that are approved through this process thereby increasing the risk of future regulatory flip-flops.²⁷ That would be a loss because the public good would be well served if major infrastructure projects could be responsibly expedited.

Transparency of legislative effect

Every bill that is introduced must have an explanatory note that states the policy that the bill seeks to achieve and may also explain the provisions of the bill.²⁸ A fundamental principle of

²⁶ Department Disclosure Statement: Fast-track Approvals Amendment Bill, 23 October 2025, para 2.3.

²⁷ Research by Infrastructure New Zealand illustrates that uncertainty over the pipeline of infrastructure projects – largely as a result of political flip-flops – costs between 13.5–26.5% of the total infrastructure spend. This is equivalent to \$2.3 billion– 4.7 billion per year in lost infrastructure investment. <https://infrastructure.org.nz/wp-content/uploads/2023/10/Infrastructure-NZ-Estimating-the-Costs-of-an-Uncertain-Infrastructure-Pipeline-Report-SINGLE-PAGES-Media-Release.pdf>

²⁸ Standing Orders of the House of Representatives 2023, SO 261.

good lawmaking is that the “provisions of the proposed legislation should be consistent with its purpose and the policy objective that underlies it”.²⁹

The overriding principle of legislative scrutiny is that any departure from, or inconsistency with, fundamental principles must be clearly and transparently justified.³⁰ If a provision that appears to be inconsistent with a fundamental principle is to be included in a bill, the select committee has a responsibility to set out its thinking on the matter in its report.³¹

The purpose of the Act is to “facilitate the delivery of infrastructure and development projects with significant regional or national benefits.” With respect to the matters set out in this submission, the Bill makes fundamental changes to approval processes which go far beyond ‘facilitating’ projects. Read in their totality, they suggest that the purpose of the Act would be more accurately framed as “assuring the approval of infrastructure and development projects, deemed by Ministers to offer significant regional or national benefits”.

The committee should consider whether the Bill as drafted is within scope of the Act’s purpose, as explained in the explanatory note.

Recommendations

I support those aspects of the Bill which address practical workability matters that can truly be described as “technical or machinery matters”, and recommend that these aspects are progressed by the Committee.

However, many of the Bill’s proposals are neither minor nor technical as claimed by the explanatory note. They would significantly change the decision-making environment confronting panels and expose panels to examining proposals that have effectively been declared winners in advance. To that end I do not support the following aspects of the Bill:

- the mechanism for the Minister to issue Government policy statements to which consideration must be given by the Minister and by panels;
- the power for the Minister to issue directions to the EPA on the performance of its functions and duties, and the exercise of its powers;
 - the reductions in timeframes for panel appointments and decisions;
 - the limitation on the ability of the panel to invite comment from any person they consider appropriate; and the further limitation of appeal rights.

Taken together, the above list of matters go beyond the purpose of the Act and has not been adequately addressed by the explanatory note to the Bill. If provisions which exceed the Act’s purpose are to remain, contrary to fundamental principles of law making, I recommend that the committee either recommend that the Bill should not proceed or otherwise provide its justification for this in its report to the House.

²⁹ Legislative Design and Advisory Committee: Legislative Guidelines (2021), Chap 2, Part 2.

³⁰ David McGee, David Wilson (ed), Parliamentary Practice in New Zealand, (5th ed, Clerk of the House of Representatives, Wellington, 2023) at 37.5.2.

³¹ Standing Orders Committee *Review of Standing Orders 2020* (3 August 2020) [2017-2020] 2 AJDR I.18A at 39.

Given the lack of publicly available regulatory analysis and policy rationale for the above list of matters, I recommend that the Committee seek more information from officials or the Minister, to ensure that scrutiny of the Bill is properly informed.

Finally, if the Committee is of the opinion that the Bill's effect is to constrain panel consideration so that approval is the only outcome for projects accepted into the fast-track process, it should recommend that the Government use empowering legislation to confer approvals and impose conditions.

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Rt Hon Simon Upton

Parliamentary Commissioner for the Environment
Te Kaitiaki Taiao a Te Whare Pāremata