Submission from The Wellbeing Economy Alliance Aotearoa on the Fast-track Approvals Bill

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Introduction

The Wellbeing Economy Alliance (WEAll) is the leading global collaboration of organisations, alliances, movements and individuals working towards a Wellbeing Economy, delivering human and ecological wellbeing. WEAll operates through 19 national hubs, including WEAll Aotearoa New Zealand.

WEAll Aotearoa is a registered charity that shares and creates new knowledge, policy and connections to promote a Wellbeing Economy.

We define a Wellbeing Economy as an economy designed to serve people and the planet, not the other way around. Rather than treating economic growth as an end in and of itself and pursuing it at all costs, a Wellbeing Economy puts our human and planetary needs at the centre of its activities, ensuring that these needs are all equally met, by default.

Key points

1. WEAll Aotearoa strongly opposes the Fast-Track Approvals Bill.

2. WEAll considers the bill to be an unprecedented weakening of existing laws and regulations that safeguard New Zealand's civil society and the natural environment in the name of economic growth.

3. The Bill places excessive powers to approve projects in the hands of a very small number of Ministers unjustifiably circumventing public participation and democratic checks and balances.

4. The Bill is grounded in an out-of-date approach to economics. WEAll recognises the compelling evidence that all economic activity and economic development depends entirely on a healthy and thriving natural environment and society.

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5. This bill weakens our existing protections and WEAll observes that harmful projects, even those that have been declined by independent commissioners and the courts, will be eligible to proceed under the fast-track.

6. WEAll is concerned about the lack of transparency that no listed projects have been included in the Bill as introduced. This means that specific projects may remain completely unscrutinised by the public and their elected representatives in the Select

Committee process despite being included in the final law. That is not how law should be made.

7. WEAll requests the Select Committee to seek an extension on their report back date and wait until Cabinet can provide this list before reporting back. Failing that, once the list is introduced in the Committee of the Whole House stage, members should seek leave to send the bill back to the Select Committee for further consideration.

8. WEAll considers that there is a significant risk that projects that have been rejected for good reason under the existing regime, or that are likely to be rejected under existing RMA processes, will be approved under the proposed fast-track legislation in the name of generating economic activity.

9. One of the most concerning aspects of the legislation is that activities prohibited under the RMA can be deemed eligible. This implies that the Bill will enable consideration of the most environmentally dangerous and destructive activities.

10. The world needs an urgent transition to a clean-energy low-carbon economy. The Bill should explicitly exclude projects that would increase greenhouse gas emissions. In a climate crisis we shouldn't encourage projects that add fuel to the fire.

The Bill places excessive powers to approve projects in the hands of a very small number of Ministers unjustifiably circumventing public participation and democratic checks and balances.

11. The Bill allows Ministers to pick and choose projects for the fast-track process. Government can thus be the developer, the regulatory gatekeeper and the ultimate decision maker. This is an inappropriate concentration of power and encourages entities seeking to benefit from this legislation to focus their efforts on lobbying ministers.

12. The eligibility criteria for referral ("significant regional or national benefits") are discretionary, overly broad and open to Ministerial interpretation. They capture almost all activities and could include projects with minimal economic benefits yet significant environmental or social costs.

13. The Bill fails to identify or factor in externalities or "costs" of potential projects. The Coalition agreement highlights the importance of evidence-based decisions and rigorous cost-benefit analysis which is lacking in this Bill.

14. WEAll therefore contends that any fast-track legislation, truly developed by the Government in good faith, should include far narrower and more explicit eligibility criteria and better consider the impacts of potential projects.

15. There is a widely acknowledged need to speed up consent time and costs in general, but this legislation will only achieve that for major preferred projects. A case could be made for an expedited process for applications of national significance, e.g. the iREX Cook Strait Ferry Upgrade project, projects that respond to or improve resilience to natural disasters or projects that increase housing supply and densification and modifications to traditional 'call-in' powers would be better than this extreme response.

16. While Ministers can refuse projects on environmental grounds, this provision is completely discretionary, and is likely to be made entirely redundant by the Bill's "development" focus that sees it as subservient to economic interests.

17. It is inappropriate that decision-making powers rest exclusively with the Ministers for Regional Economic Development, Infrastructure and Transport, and do not include for example Ministers for the Environment and Conservation.

18. The Bill appears to contain no provisions regarding the appropriate management of conflicts of interest or enhanced transparency provisions commensurate with the increased exercising of executive powers.

19. The Bill dispenses with almost all opportunities for public involvement in or oversight of decisions that can create significant negative outcomes for New Zealand society and the natural environment. This is completely at odds with Aotearoa New Zealand's position as a liberal democracy and opportunities that arise from greater participatory approaches.

20. Above all, WEAll contends that public participation in decision-making processes is a fundamental aspect of the democratic process in Aotearoa New Zealand and leads to better outcomes. We note the successful use of participatory approaches such as citizen assemblies, juries and participatory budgeting approaches here and overseas. WEAll advocates for more citizen involvement not less as is demonstrated in this Bill.

The Bill is grounded in an out-of-date approach to economics. WEAll recognises the compelling evidence that all economic activity and economic development depends entirely on a healthy and thriving natural environment and society.

21. The Bill continues an old-fashioned concept that the economy is separate and superior to our environment.

22. WEAll contends that all economic activity and economic development depends entirely on a healthy and thriving natural environment and society. An approval process, such as the one proposed, that fails to adequately consider societal and environmental impacts, is highly likely to result in projects that hold no social licence, or worse, in projects that actively undermine social cohesion and the integrity of the natural environment, in the name of an amorphous and inadequately defined concept of "economic benefit".

23. WEAll notes the purpose as expressed by the Minister for RMA Reform in the First Reading debate to 'fast-track economic development projects' is an out-of-date approach that uses gross domestic product (GDP) growth as a proxy for wellbeing and progress. This old approach sees the environment and society act in service to the economy.

24. For decades the dominant belief has been that the purpose of government policy is to grow the economy as quickly as possible, including by attracting large investors and businesses who can generate fast economic growth. In this paradigm the assumption is that wealth will 'trickle-down' and any negative social and environmental costs or externalities can be remediated through the taxes generated in a larger economy.

25. Around the world, many governments are now recognising that this traditional focus is not delivering greater wellbeing but rather greater inequality, environmental degradation and poorer physical and mental health and are therefore using a broader suite of measures and tools to deliver wellbeing.

26. Wellbeing Economy approaches encourage a greater purpose than just growth: preventing environmental and social damage from occurring in the first place; increasing

community resilience in managing shocks; asking the economy to do more of the pre-distribution of resources and opportunities; incorporating greater public participation; and centre on people and place.

27. In response to oral questions on 7 March 2024 in Parliament Minister for RMA Reform Hon. Chris Bishop said "…the whole purpose of the fast-track consenting regime that we are introducing is to fast-track economic development projects". WEAll contends it is the quality and nature of economic development that matters, not the quantity.

28. There is no guarantee that fast-tracking projects will see wealth trickle down to communities or that prioritising short-term economic benefits outweighs other costs, including for future generations. WEAll urges the Select Committee to reject this bill and focus on how to advance sustainable and inclusive economic development through promoting for-purpose businesses, social enterprises and cooperatives.

29. WEAll urges the Select Committee to focus on Community Wealth Building as an alternative approach to economic development. It is a collaborative approach to economic development that puts people back at the centre of local economies that has been used successfully in the US, UK and Australia. It ensures wealth generated in a local economy is held and invested back into that local economy, and places control and benefits into the hands of local people. Community Wealth Building achieves this by aligning the interests of business, community, development agencies and local government. It is about creating the permissions and incentives needed for local institutions to invest in their own communities, retain wealth and skills, and provide better employment.

30. We note reference to section 8 of the RMA is noticeably absent. This implies that Panels are not required to take into account the principles of Te Tiriti o Waitangi when making their recommendations. The majority of references in the Bill to Te Tiriti appear to be limited to acknowledgement of existing Treaty settlements ignoring its wider constitutional significance and place in modern society.

31. Te Tiriti o Waitangi should be seen as fundamental to Aotearoa's economic future with strong rights for mana whenua. If the Bill is to proceed Te Tiriti should be referenced in the purpose and a clause should be inserted that requires all persons exercising functions and powers under this Bill to 'give effect to' Te Tiriti o Waitangi and its principles.

Concluding comments

32. This Bill represents a huge shift in environmental consenting in Aotearoa New Zealand that risks environmental degradation and negative social outcomes, for decades into the future.

33. The Bill puts economic growth above all other considerations and is not fit for purpose for a rapidly approaching, future-focused economy, society and environment that sees itself as a good ancestor.

34. In summary, WEAll contends that this Bill is wholly unnecessary, environmentally reckless and corrosive to democracy in Aotearoa New Zealand. As a result, it should not be passed.

We thank the Select Committee for the opportunity to submit on this Bill.

We wish to be heard in support of our submission.