

NEW ZEALAND MARINE SCIENCES SOCIETY

TE HUNGA MĀTAI MOANA O AOTEAROA



19 April 2024

Committee Secretariat
Environment Committee
Parliament Buildings
Wellington.

Email: en@parliament.govt.nz

Submission: Fast-track Approvals Bill

This submission is made on behalf of the membership of the New Zealand Marine Sciences Society (NZMSS). It is made in good faith in my role as President of the NZMSS and in accordance with the Code of Ethics and Rules of the Royal Society of New Zealand.

Please contact the NZMSS President at the email address provided below for any further information regarding this submission.

The Society wishes to be heard on our submission.

Handwritten signature of Anna Madarasz-Smith.

Anna Madarasz-Smith
President
New Zealand Marine Sciences Society

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Address for service:

Email: president@nzms.org

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The New Zealand Marine Sciences Society

The New Zealand Marine Sciences Society, known as 'NZMSS', was formed in 1960 as a constituent of the Royal Society of New Zealand, to encourage and assist marine science and related research across a wide range of disciplines in New Zealand and to foster communication among those with an interest in marine science.

NZMSS is a professional science body and a non-profit organisation. We identify emerging issues through annual conferences, annual reviews, a listserv and our website <http://nzms.org/>. NZMSS membership covers all aspects of scientific interest in the marine environment and extends to the uptake of science in marine policy, resource management, conservation and the marine business sector. We speak for members of the Society on matters of interest on marine research in New Zealand and we engage with other scientific societies as appropriate. Our current membership comprises around 250 members.

Our submission is consistent with the Royal Society of New Zealand Code of Ethics and Rules, in particular principles 2.1 Integrity and professionalism, 4.1 Compliance with the law and relevant standards, and 10.1 Protection of the environment (www.royalsociety.org.nz/organisation/about/code).

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Submission

Introduction

NZMSS understand that the Bill's intent is to enable a range of projects to move through approvals system toward implementation at relative pace, reducing delay and providing for significant infrastructure projects.

NZMSS believes that a rebalancing of environmental protection in the form of sustainable management, and a fairer more inclusive process for Māori (iwi and hapū) to support good outcomes, and wider processes for input of technical experts are key areas that require attention in the Bill to ensure that the amended Purpose (see below) is fulfilled.

The Bill

Purpose

The Society sees the wording of the Purpose as focused on delivery of infrastructure and development projects. We submit that the purpose needs to include a regard for the environmental effects of the proposed activities.

Therefore, we submit the following amending wording:

The purpose of this Act is to provide a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional and national benefits, while ensuring environmental effects are appropriately managed.

Treaty of Waitangi obligations

The Society recognises the Bills intention to uphold Treaty of Waitangi Settlements and other Treaty related commitments.

NZMSS recommends that the Bill broadens obligations to take into account the principles of the Treaty of Waitangi and to uphold iwi and hapū rights and interests through inclusion of a Treaty principles clause; and enable non-settled iwi and hapū the same access to the fast-track process and consultation obligations as settled iwi.

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Therefore, NZMSS submits that the Select Committee work with Māori groups who hold rights and interests to shape possible changes presented above.

Enhancing effective participation in the fast-track process

The Society understands that the fast-track process has no capacity for the general public and interested experts to submit on substantial applications. The Society believes that this can substantially degrade the ability of the Expert Panel to make informed decisions. We see potential risk to all parties (applicants, decision makers, Ministers, excluded parties, the general public and the environment itself) in this process.

The purpose of submissions and a hearing is to provide any Hearing Commissioners or Expert Panel member with information with which to make a decision. NZMSS members are regularly involved in such hearings as providing support to an applicant or as an expert reviewer supporting a regulator or submitter of an applicant's assessments. The provision of independent expert advice from other parties' experts (beyond those of the Applicant) provides Hearing Commissioners or an Expert Panel with much more information to enable them to make a informed decision. Reviews from peers are considered good practice in industry and in academia; and the Society submits that without the provision of expert evidence from other parties, scientific and technical evidence underpinning decision making will be less rigorous. Consequently, Expert Panel decisions and any subsequently imposed consent conditions could be less evidence-based and may not be adequately supported by technical/scientific findings. Furthermore, Society members have found the current practice of mediation and/or expert witness caucusing provides a useful method to review assessments of environmental effects and collaboratively narrow issues in dispute and provide a strong set of agreed facts. This is a fundamental part of good, evidence-based decision making. This process can also provide a set of proposed consent conditions that are project appropriate, robust, enforceable and can assist in managing the environmental effects of a project.

If the Expert Panel under the Fast-track Approvals Act is unable to call upon submissions from outside parties nor hold a hearing to weigh multiple lines of

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evidence, their assessment of the effects and subsequent decision making will be limited by less rigorous understanding of the relevant science.

NZMSS believes the introduction of fast-track legislation brings a critical opportunity to enhance the integrity, robustness, and transparency of scientific evidence and its use in fast-track approvals decision-making.

Evidence needs to be able to be picked up, understood, and translated to inform decision-making at relative pace, overcoming inherent challenges in its use.

To enhance the role of evidence in decision making we suggest the following:

- 1) Provide opportunity for wider technical experts to assist the expert panel in the application process.
- 2) Develop guidance and standards for the use of scientific evidence in the FTA process.
- 3) Enhance access to pertinent scientific datasets to support evidence-informed decision-making.
- 4) Develop scientific models to assist decision-makers in predicting the impacts of infrastructure and other developments on ecosystems and natural resources.
- 5) Enhance decision-makers' ability to use scientific evidence effectively.
- 6) Foster adaptability and innovation in fast-track projects to enable adaptive management.

The Society thanks the Select Committee for the opportunity to submit on the Fast-track Approvals Bill.