



20 May 2024

Tēnā koutou katoa,

- GE Free NZ in Food and Environment thanks the Environment Select Committee for the opportunity to make a submission on the Fast-track Approvals Bill (Bill).
As the Committee has read our submission we would like to focus on the most pressing points.
- GE Free NZ strongly opposes the fast-track one-stop-shop consenting regime set out in the Fast Track Bill from an environmental and constitutional perspective.
It fundamentally undermines good governance and the stability of democratic civil society.
- We submit that the Select Committee have a duty of care to determine that the Fast Track Bill should not proceed.
- We fully support the issues and concerns in the Environmental Defence Society's submission, Friends of the Earth, the Chief Ombudsmen and many other concerned submitters.

Why GE Free NZ opposes the Fast Track Bill

1. The purpose and provisions of the [Fast Track Bill](#)ⁱ will take primacy over other legislation in decision making. This means that approvals can be granted despite other legislation not permitting them, such as projects that are prohibited activities.
2. The Bill rides roughshod over the country's environmental protections that have been regularly amended over the last four decades to retain currency. Unlike any previous existing fast-track legislation, this Bill it is about circumventing environmental considerations, not streamlining process.
3. The Bill places excessive and unfettered powers to approve projects in the hands of three development Ministers.
 - Its decision making processes and criteria are so inadequate that the legislative process can be regarded as a rubber-stamping exercise. It excludes public participation and breaches Natural Justice, as [Ch 31 of NZ Parliamentary Practice](#).
4. We oppose any removal regarding Te Tiriti considerations as these will affect the equal rights of Māori and Pakeha participation.
5. There are no safeguards in the Fast Track Bill about when Ministers should recuse themselves from direct decision-making due to a conflict of interest. Such as, where they have positioned themselves in favour of particular projects, or where they have previously received political donations to support applications or met with the particular applicants.
6. [FTB Schedule 13](#) – Amendment to other legislation - Environmental Protection Authority (EPA).

- The threatened abolition of the Hazardous Substances and New Organisms Act (HSNO) and replacement with a new Biotechnologies (GE/GMO) Bill under the auspices of the Ministry of Business, Innovation and Employment indicates a shift in regulation from a precedence on environmental protection to commercial priorities.
 - This is a direct assault on existing legislation for environmental integrity threatening all farmers livelihoods and the economy of this country.
7. [FTB cl 17 \(3\) \(a-f\)](#)ⁱⁱ; [cl 19](#)ⁱⁱⁱ The Fast Track Bill allows the Government Ministers to have unfettered power to force through their objective to deregulate GE/GMO with no stakeholder, public or community consultation.
 - The Bills decision making responsibilities of Ministers and quango bodies oversteps the open democratic process of public consultation and hearing of submissions.
 - There is no mandate for socialising risk for private profit, nor for denying communities due process and participation.
 8. The overreach of the three Ministers has the ability to negate the management of risks from GMOs in Local body (Regional and District) Councils plans.
 9. [FBT cl 21](#) - The lack of public consultation means that there is no ability to challenge a Ministerial edict as the public are not able to make a submission.
 10. The proposed fast track decision making process excludes local communities from having a democratic voice in the development of their region as allowed under the RMA.
 11. Fast Track must not be used to undermine the precautionary approach taken to protect the environment.
 12. The Fast Track Bill makes no consideration on the term “Effect”. It is imperative that all legislative changes include the term “effects” as interpreted in the existing [RMA cl: 3 – meaning of Effect](#)^{iv} and [HSNO cl:7 the Precautionary approach on decision making](#)^v has the same interpretation on “effect”.
 - This protects the farming community, regenerative organic and conventional farmers economies and ratepayers’ remediation from contamination costs, costs of harm from a GMO field trial or release.
 13. The [Fast Track Bill cl:26](#)^{vi} Appeal against decisions only on question of law
 - The costs of High Court action are prohibitive and inequitable for the public organisations and right of appeal on decisions. The inability for public and NGO participation in decision making removes the right of public appeal on decisions made by the Ministry and expert panel. The public ability to challenge decisions must be cost neutral and enshrined in law.
 14. Minister Judith Collins has signalled that the new Bill will “remove the ban of GE”. This is an unbridled authoritarian overreach that shows that consultation with the people of Aotearoa is being sacrificed for the interests of corporate business.
 15. The HSNO Act is fit for purpose and does not stop any application for development or innovation on GMOs. (See [HSNO Sec: 34](#)^{vii} & [sec:38](#)^{viii}) It does however require documentation to show that GE organisms are safe for the environment.
 16. To date [experimental field trials](#)^{ix} in Aotearoa have failed to perform or show safety. However [transgenic animals](#)^x trial have clearly shown GMO causes deformities and suffering. Our understanding is no GMO product developed in Aotearoa (by Crown Research Institutes) over the

past two decades has shown to be commercially viable. The Fast Track Bill must ensure risk trials are conducted by industry product developers who wish to take advantage of their patents.

17. Erroneous decisions by Ministers with effectively dictatorial powers from this Bill will create a new scale of risk for Aotearoa New Zealand by subverting legislation currently protecting democratic civil society and the environment.
18. The Fast Track Bill predisposes New Zealand to international corporations lobbying around their business interests such as GMO release, mining, petroleum exploration, forest destruction, etc, which go against international agreements (eg. The Paris Agreement, Cartagena Protocol on Biosafety, Convention on Biological Diversity).
19. There must be no unfair transfer of costs and socialised risk to advantage commercial activity.
20. Financial security and liability mechanisms are required to protect the public interest.

Summary:

We strongly oppose the Bill's overreaching powers to change and disregard existing regulations. Especially around the environmental protections, that favour corporate enterprise, thus silencing the democratic rights of citizens, local communities and future generations.

Permitting such activities goes against global consumer trends and risks damaging Aotearoa's current [international quality brand](#)^{xi}.

Given the threat to democracy itself, we recommend that the Environmental Select Committee does not allow the Fast Track Bill to proceed.

Nga mihi nui,

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(footnote references on following page)

- i https://www.legislation.govt.nz/bill/government/2024/0031/latest/LMS943195.html?search=y_bill%40bill_2024_bc%40bcur_an%40bn%40rn_25_a&p=1#LMS943313
- ii https://www.legislation.govt.nz/bill/government/2024/0031/latest/LMS943285.html?search=y_bill%40bill_2024_bc%40bcur_an%40bn%40rn_25_a&p=1
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- iv <https://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231795.html>
- v <https://www.legislation.govt.nz/act/public/1996/0030/latest/DLM382995.html>
- vi https://www.legislation.govt.nz/bill/government/2024/0031/latest/LMS943313.html?search=y_bill%40bill_2024_bc%40bcur_an%40bn%40rn_25_a&p=1
- vii <https://www.legislation.govt.nz/act/public/1996/0030/latest/DLM383520.html>
- viii <https://www.legislation.govt.nz/act/public/1996/0030/latest/DLM383529.html>
- ix <https://www.gefree.org.nz/gm-annual-reports/>
- x <https://www.gefree.org.nz/assets/pdf/GE-Animals-in-New-Zealand.pdf>
- xi [video *What Do Consumers Want? Navigating GE Issues with Jon Carapiet*](#)
https://www.legislation.govt.nz/bill/government/2024/0031/latest/LMS943294.html?search=y_bill%40bill_2024_bc%40bcur_an%40bn%40rn_25_a&p=1
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